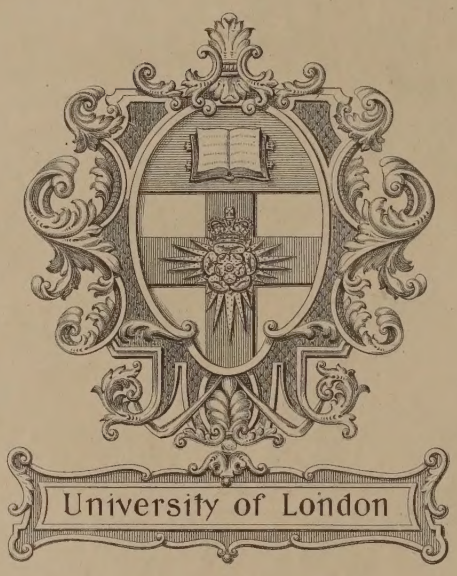
University of London

606006

B I L L S,

PUBLIC:

SIX VOLUMES.

—(5.)—

POLICIES OF INSURANCE

TO

ROYAL MILITARY CANAL [H.L.]

Session

5 *February* —— 21 *August* 1867.

VOL. V.

1867.

BILLS:

1867.

SIX VOLUMES:—CONTENTS OF THE

FIFTH VOLUME.

N.B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Bill; *and the* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

Policies of Insurance:

85. Bill to render Policies of Insurance assignable at Law, and to enable Assignees of such Policies to sue thereon in their own Names - - - - p. 1

216. Lords' Amendments to the Policies of Insurance Bill - - - - 5

Poor Law Board, &c.:

193. Bill to make the Poor Law Board permanent, and to provide various Amendments in the Laws for the Relief of the Poor - - - - - - - 9

271. Same [as amended in Committee] - - - - - - - - 25

312. Lords' Amendments to the Poor Law Board, &c. Bill - - - - 35

Port's, Sir J., Charity:

144. Bill for confirming a Scheme of the Charity Commissioners for the Charity called Sir John Port's Hospital in Etwall, and School in Repton, in the County of Derby - - - - - - - - - - - - - 37

217. Same [as amended by the Select Committee] - - - - - 43

Promissory Notes and Bills of Exchange:

224. Bill to remove certain Restrictions on the Negotiation of Promissory Notes and Bills of Exchange under a limited Sum - - - - - - 49

Promissory Notes (Ireland):

90. Bill to alter and amend the Act of the Ninth George the Fourth, Chapter Eighty-one, intituled, "An Act for making Promissory Notes payable, issued by Banks, Banking Companies, or Bankers in Ireland, at the Places where they are issued" - - - - - - - - - - - - - 53

Prorogation of Parliament [H. L.]:

277. Bill, intituled, An Act to simplify the Forms of Prorogation during the Recess of Parliament - - - - - - - - - - - - - 57

Public Health (Scotland):

89. Bill to consolidate and amend the Law relating to the Public Health in Scotland - - - - - - - - - - - - - - 61

179. Same [as amended in Committee] - - - - - - - - 115

251. Same [as amended in Committee and on Re-commitment] - - - - 175

284. Same [as amended in Committee, on Re-commitment, and on second Re-commitment] - - - - - - - - - - - - - 233

Public Houses Regulation:

83. Bill for the better Regulation of Public Houses, Refreshment Houses, and Beer-houses - - - - - - - - - - - - - 293

Public Libraries (Scotland) Acts Amendment:

92. Bill to amend and consolidate the Public Libraries Acts (Scotland) - - 319

Public Records (Ireland):

157. Bill to provide for keeping safely the Public Records of Ireland - - 327

185. Same [as amended in Committee] - - - - - - - - - 337

Public Schools [H. L.]:

78. Bill, intituled, An Act to make further Provision for the good Government and Extension of certain Public Schools - - - - - - - - 347

Public Works (Ireland):

262. Bill to provide further Facilities for the Repair of Roads, Bridges, and other Public Works in Ireland in case of sudden Damage - - - - - 361

Public Works Loans:

172. Bill to authorise further Advances of Money out of the Consolidated Fund for carrying on Public Works and Fisheries, and for the Employment of the Poor; for the Purposes of the Public Works (Manufacturing Districts) Acts, 1863, 1864; and to amend the Acts authorizing Advances for Public Works - 367

Quinagh and Parsonstown Drainage:

294. Bill to confirm Provisional Orders for the Quinagh and Parsonstown Drainage Districts respectively - - - - - - - - - - - - 373

Railway and Joint Stock Companies' Accounts:

188. Bill for the better Regulation and Supervision by the Board of Trade of the Accounts of Railway and other Joint Stock Companies - - - - 381

252. Same [as amended in Committee] - - - - - - - - - 387

Railway Companies:

164. Bill [as amended by the Select Committee] to amend the Law relating to Railway Companies - - - - - - - - - - - - - 393

305. Lords' Amendments to the Railway Companies Bill - - - - - 405

Railway Companies Arrangements:

4. Bill to make better Provision for the Arrangement of the Affairs of Railway Companies unable to meet their Engagements - - - - - - - 413

Railway Companies (Ireland) Advances:

302. Bill to authorize the Extension of the Period for Repayment of Advances made under "The Railway Companies (Ireland) Temporary Advances Act, 1866" - - - - - - - - - - - - - - 423

Railway Companies Relief Bill:

279. Bill for the Relief of Railway Companies as regards their Agreements to work unprofitable Branch Lines - - - - - - - - - - 427

Railway Companies (Scotland) [H. L.]:

306. Bill, intituled, An Act to amend the Law relating to Railway Companies in Scotland - - - - - - - - - - - - - - - 433

Railway Companies (Winding-up) (Ireland):

101. Bill to provide for the Winding-up of Railway Companies in Ireland in certain Cases - - - - - - - - - - - - - - 447

Railway Construction Facilities Act (1864) Amendment:

57. Bill for the Amendment of "The Railway Construction Facilities Act (1864)" - - - - - - - - - - - - - - 453

Railway Debenture Holders:

20. Bill for affording better Security to the Holders of Railway Debentures - 457

Railways (Guards' and Passengers' Communication):

39. Bill to compel Railway Companies to provide an efficient Means of Communication between the Guards and Passengers of Railway Trains - - - 463

Railways (Ireland):

298. Bill to amend and extend as to Railways in Ireland the Provisions of an Act of the Seventh and Eighth Years of Victoria, intituled, "An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament; and for other Purposes in relation to Railways" - - - - - - 467

Railways (Scotland):

122. Bill to define the Duties of the Assessor of Railways in Scotland in making up the Valuation Roll of Railways, and to amend in certain respects the Valuation of Lands (Scotland) Acts - - - - - - - - - 471

292. Same [as amended by the Lords] - - - - - - - - - 477

Real Estate Charges Act Amendment:

181. Bill to explain and extend the Operation of an Act passed in the Seventeenth and Eighteenth Years of Her present Majesty, Chapter One hundred and thirteen, intituled, "An Act to amend the Law relating to the Administration of deceased Persons" - - - - - - - - - - 479

Recovery of certain Debts (Scotland) [H. L.]:

220. Bill, intituled, An Act to facilitate the Recovery of certain Debts in the Sheriff Courts in Scotland - - - - - - - - - - 483

296. Same [as amended in Committee] - - - - - - - - 499

Religious, &c. Buildings (Sites):

64. Bill for facilitating the Acquisition and Enjoyment of Sites for Buildings for Religious, Educational, Literary, Scientific, and other Charitable Purposes 517

Representation of the People:

79. Bill further to amend the Laws relating to the Representation of the People in England and Wales - - - - - - - - - - 521

237. Same [as amended in Committee] - - - - - - - - 547

250. Same [as amended in Committee, and on Consideration of Bill as amended] 581

301. Lords' Amendments to the Representation of the People Bill - - - 617

Representation of the People (Ireland):

115. Bill to amend the Representation of the People in Ireland - - - 629

Representation of the People (Scotand):

146. Bill for the Amendment of the Representation of the People in Scotland - 643

Roman Catholic Churches, Schools, and Glebes (Ireland):

127. Bill to amend the Law as to the granting of Sites for Roman Catholic Churches and Schools, and to facilitate the Creation of Glebes, and the Erection of Residences thereon for Roman Catholic Clergymen in Ireland - - - 687

Royal Military Canal [H. L.]:

313. Bill, intituled, An Act to authorize a Sale or Lease of the Royal Military Canal and its collateral Works; and for other Purposes - - - - 699

A

B I L L

TO

Render Policies of Insurance assignable at Law, and to enable Assignees of such Policies to sue thereon in their own Names.

WHEREAS it is expedient to render Policies of Insurance assignable at Law, and to enable Assignees of such Policies to sue thereon in their own Names: Preamble.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. After *the passing of this Act*, every Policy of Insurance shall be assignable at Law, and the Assignee or Assignees of such Policy shall be at liberty to sue in his or their own Name to recover the Amount of such Policy. Policies of Insurance shall be assignable at Law.

2. Any Policy of Insurance may be assigned by an Endorsement on the Policy, duly stamped, or by a separate Deed; and such Assignment may be in the Form in the Schedule to this Act annexed. How a Policy of Insurance may be assigned.

3. In

Assignee to have no greater Right than his Assignor.

3. In an Action by an Assignee on a Policy of Insurance any Defence which would be valid against the Assignor may be relied upon, and shall be valid against the Assignee.

Bonâ fide Payment of a Policy without Notice of Assignment valid against Assignee.

4. Any Payment bonâ fide made of the Amount of, or on account of, or in satisfaction of a Policy of Insurance to a Party who would be entitled to receive the same in case the Policy was not assigned shall be valid against an Assignee if the Party making the Payment had no Notice of such Assignment.

Short Title.

5. For all Purposes this Act may be cited as "The Policy of Insurance Act, 1867."

SCHEDULE.

I *A.B.* of, *&c.* in consideration of, *&c.*, do hereby assign unto *C.D.* of, *&c.*, his Executors, Administrators, and Assigns, the [within] Policy of Insurance granted, *&c.* [*here describe the Policy*]. In witness, *&c.*

Policies of Insurance.

A

BILL

To render Policies of Insurance assignable at Law, and to enable Assignees of such Policies to sue thereon in their own Names.

(*Prepared and brought in by*
Sir Colman O'Loghlen, Mr. Serjeant Barry,
Mr. Vance, and Mr. Pim.)

Ordered, by The House of Commons, *to be Printed,*
22 *March* 1867.

[Bill 85.]

Under 1 *oz.*

LORDS AMENDMENTS

TO THE

POLICIES OF INSURANCE BILL.

Note.—*The Page and Line refer to the Bill* (82.) *as printed by the Lords.*

In the Title of the Bill.

Line 3. Leave out from ("to") to ("enable") in Line 5.

Line 5. Leave out ("such") and after ("Policies") insert ("of Life Assurance")

Page 1.

Line 1. Leave out from ("to") to ("enable") in Line 2.

Line 2. Leave out ("such")

Line 3. After ("Policies") insert ("of Life Assurance")

Leave out Clauses 1. to 6. inclusive and insert Clauses A., B., C., D., E., F., G.

CLAUSE A. Assignees of Life Policies may sue in their own Names.

Any Person or Corporation now being or hereafter becoming entitled, by Assignment or other derivative Title, to a Policy of Life Assurance, and possessing at the Time of Action brought the Right in Equity to receive and the Right to give an effectual Discharge to the Assurance Company liable under such Policy for Monies thereby assured or secured, shall be at liberty to sue at Law in the Name of such Person or Corporation to recover such Monies.

CLAUSE B. Defence or Reply on equitable Grounds may be pleaded.

In any Action on a Policy of Life Assurance, a Defence on equitable Grounds, or a Reply to such Defence on similar Grounds, may be respectively pleaded and relied upon in the same Manner and to the same Extent as in any other personal Action.

CLAUSE C. Notice of Assignment to be given.

No Assignment made after the passing of this Act of a Policy of Life Assurance shall confer on the Assignee therein named, his Executors, Administrators, or Assigns, any Right or Interest to or in such Policy, or the Monies assured or secured thereby, until a written Notice of the Date and Purport of such Assignment shall

have been given to the Assurance Company liable under such Policy, at their Place of Business for the Time being, or, in case they have Two or more Places of Business, then at some One of such Places of Business, either in England, or Scotland, or Ireland, and the Date on which such Notice shall be given shall regulate the Priority of all Claims under such Policy.

CLAUSE D. Assignment by Endorsement or separate Instrument.

Any such Assignment may be made either by Endorsement on the Policy or by a separate Instrument in the Words or to the Effect set forth in the Schedule hereto, such Endorsement or separate Instrument being duly stamped.

CLAUSE E. Notices of Assignment to be acknowledged.

Every Assurance Company to whom Notice shall have been duly given of the Assignment of any Policy under which they are liable shall, upon the Request in Writing of any Person by whom any such Notice was given or signed, or of his Executors or Administrators, and upon Payment in each Case of a Fee not exceeding Five Shillings, deliver an Acknowledgment in Writing under the Hand of the Manager, Secretary, Treasurer, or other principal Officer of the Assurance Company, of their Receipt of such Notice; and every such written Acknowledgment, if signed by a Person being de jure or de facto the Manager, Secretary, Treasurer, or other Officer of the Assurance Company whose Acknowledgment the same purports to be, shall be conclusive Evidence as against such Assurance Company of their having duly received the Notice to which such Acknowledgment relates.

CLAUSE F. Interpretation.

In the Construction and for the Purposes of this Act the Expression "Policy of Life Assurance," or "Policy," shall mean any Instrument by which the Payment of Monies, by or out of the Funds of an Assurance Company, on the happening of any Contingency depending on the Duration of Human Life, is assured or secured; and the Expression "Assurance Company" shall mean and include every Corporation, Association, Society, or Company now or hereafter carrying on the Business of assuring Lives or Survivorships, either alone or in conjunction with any other Object or Objects.

CLAUSE G. Not to apply to Contracts under certain Acts.

Provided always, That this Act shall not apply to any Policy of Assurance granted or to be granted or to any Contract for a Payment on Death entered into or to be entered into in pursuance of the Provisions of the Acts Sixteenth and Seventeenth Victoria, Chapter Forty-five, and Twenty-seventh and Twenty-eighth Victoria, Chapter Forty-three, or either of those Acts, or to any Engagement for Payment on Death by any Friendly Society.

Page

Page 2.

Lines 16 and 17. Leave out ("Policy of Insurance") and insert ("Policies of Assurance")

In the Schedule.

Line 21. Leave out ("Insurance") and insert ("Assurance")

LORDS AMENDMENTS

TO THE

POLICIES OF INSURANCE BILL.

Ordered, by The House of Commons, *to be Printed*,
28 *June* 1867.

[Bill 216.]

Under 1 *oz.*

A

B I L L

TO

Make the Poor Law Board permanent, and to provide sundry Amendments in the Laws for the Relief of the Poor.

WHEREAS it is expedient to make the Poor Law Board permanent, and to provide sundry Amendments in the Laws for the Relief of the Poor: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Statute 10 & 11 Vict. c. 109. s. 28. repealed. The Poor Law Board made permanent.

1. From and after the *passing of this Act* the Twenty-eighth Section of the Poor Law Board Act, 1847, the Operation of which Section has been extended by divers Acts until the Twenty-third Day of July in this Year and the End of the next Session of Parliament, shall be repealed.

Local Acts relating to the Poor in Places out of the Metropolis may be altered by a

2. Where in any Union or Parish not being within the Metropolis as defined by the Metropolitan Poor Act, 1867, the Relief of the Poor, or the making and levying of the Poor Rate, is subject to the Control or Regulation of any Local Act, it shall be competent for the Guardians of such Union or Parish to apply to the Poor Law

Provisional Order of the Poor Law Board, to be confirmed by subsequent Statute.

Board to issue an Order to repeal the whole or any Part of such Local Act, or to alter the same, such Application having been agreed to by the Majority at Two successive Meetings of the said Guardians, and being forwarded in Writing under the Hand of the presiding Chairman of the Second of such Meetings to the said Board; and the said Board may, if, after due Inquiry they shall deem it expedient, make and issue a Provisional Order for such Repeal or Alteration, and shall take all necessary Steps for the Confirmation of such Order by Act of Parliament, but previously to such Confirmation the said Order shall not be of any Validity whatever; and every Act of Parliament confirming such Order shall be deemed a Public General Act.

In case any Petition shall be presented to either House of Parliament against such Order in the Progress through Parliament of the Bill confirming the same, the Bill, so far as it relates to the Order so petitioned against, may be referred to a Select Committee, and the Petitioner shall be allowed to appear and oppose as in the Case of Private Bills.

Poor Law Board may adjust intermingled Parishes or divide extensive Parishes by Provisional Order to be confirmed by Parliament.

3. Where several Parts of any Parish are separated from one another or intermixed with an adjoining Parish, or where a Parish is of great Extent in Area, and an Application shall be made to the Poor Law Board by the Chairmen of Meetings of Owners of Property and Ratepayers in the Parish or Parishes interested in the Subject duly convened after public Notice, the said Board may, if satisfied that the due Administration of the Relief to the Poor is impeded by the topographical Condition of the Parish or Parishes, make an Order under Seal for re-adjusting or dividing the said Parishes according to the Terms of the Application, and for the Purposes and Objects set forth therein, or with such Modifications as they shall deem expedient, and such Order shall be made provisionally, and shall be submitted to Parliament to be confirmed in the Manner herein-before set forth.

Repeal of 6 & 7 W. 4. c. 86. s. 1., requiring the Poor Law Commissioners to appoint Registrars in certain Places.

4. So much of the Eighty-sixth Chapter of the Acts passed in the Sixth and Seventh Year of the Reign of His late Majesty as provides that the Poor Law Commissioners shall appoint a Registrar to the temporary Districts therein referred to shall be repealed in the Case of every Union or Parish in which the Relief of the Poor is administered by a Board of Guardians appointed under the Authority of a Local Act; and such Board of Guardians shall henceforth appoint the Registrars for such Districts.

Poor Law Board to

5. So much of the Poor Law Amendment Act, 1844, Section Thirty-two, as provides for the Election of District Auditors, shall be repealed;

repealed; and whenever the Office of Auditor appointed or to be appointed under the Authority of the said Act shall, after the *passing of this Act*, become vacant, or whenever an Auditor shall be ordered to be appointed for any District or Parish under the Authority of the said Act, or of the Poor Law Amendment Act, 1834, the Poor Law Board may, by Order under their Seal, appoint a Person to be Auditor of such District (or any Part thereof) or of such Parish, and the said Person so appointed shall have all the Powers and Protections, and shall do all the Matters and Things, which the Auditors of Districts under any Act of Her Majesty have or are required or empowered to do; *and the Provisions contained in the Poor Law Board Act* 1847, *relative to the Salaries of the Persons therein mentioned, shall apply to the Salaries of the Persons to be appointed as Auditors by the Poor Law Board;* provided that before such Auditor shall be empowered to act a Notice of his Appointment shall be inserted in the London Gazette, and no further or other Notice or Proof of such Appointment shall be required.

appoint Auditors.

Notice of Appointment of Auditor to be inserted in London Gazette.

6. *Every Auditor for the Time being appointed under the Authority of the said Poor Law Amendment Act,* 1834, *or of any Act amending the same, shall be deemed to be a Civil Servant of the State within the Operation of the Act of the Twenty-second Year of Her Majesty's Reign, Chapter Twenty-six.*

Auditor may be superannuated under 22 Vict. c. 26.

7. The Poor Law Board may exercise the Powers contained in the Thirty-second Section of the Poor Law Amendment Act, 1834, with respect to any Union of Parishes formed under the Eighty-third Chapter of the Acts passed in the Twenty-second Year of King George the Third, and with respect to any Union where the Relief of the Poor is not wholly administered by One Board of Guardians without such Concurrence of a Majority of not less than Two Thirds of the Guardians of such Union as in the said Thirty-second Section is mentioned.

Consent of Guardians not required in certain Cases.

8. Section Thirty-nine of the Poor Law Amendment Act, 1834, shall apply to any single Parish in which the Provisions of the said Statute of George the Third shall have been adopted.

4 & 5 W. 4. c. 76. s. 39. to apply to single Parishes.

9. The said Board may by Order under Seal add any Parish, the Population whereof according to the Census last declared shall not exceed *Three hundred* to the next adjoining Parish for the Purpose of the Election of Guardians; and the Persons qualified to elect such Guardians in either Parish shall be qualified to vote at such Election for the Parishes so united.

Poor Law Board may unite small Parishes for the Election of Guardians.

Provision for Incorporation of certain extra-parochial Places.

10. Every Place which is reputed to be extra-parochial, and is not entered by Name in the Report upon the Census for the Year One thousand eight hundred and fifty-one, for which an Overseer has not been appointed before the passing of this Act, or for which no Overseer is now acting, or no Poor Rate made, and every Accretion from the Sea, and the Parts of the Seashore to the Low-water Mark, not included in any Parish shall from the Twenty-ninth Day of September next, for all civil parochial Purposes, be annexed to and incorporated with the next adjoining Parish with which such Place has the longest common Boundary, and in case there shall be Two or more Parishes with which it shall have Boundaries of equal Extent, then with that Parish which contains the lowest Amount of rateable Value.

Qualification of Guardian.

11. The Qualification of a Guardian shall be determined with reference to the annual rateable Value of the Property in respect of which his Qualification is claimed.

Resident Owners in a Parish not to vote by Proxy.

12. No Owner shall vote by Proxy at the Election of a Guardian for any Parish if at the Time of such Election he shall be residing within the said Parish, or within Seven Miles in a straight Line from the nearest Boundary thereof.

Provision for voting of Voters in Wards. 7 & 8 Vict. c. 101. s. 21. repealed.

13. The Twenty-first Section of the Poor Law Amendment Act, 1844, shall be repealed; and no Person in any future Election of Guardians entitled to vote shall give in the whole of the Wards into which a Parish may be divided a greater Number of Votes than he would have been entitled to have given if the Parish had not been divided into Wards, nor in any One Ward a greater Number of Votes than he is entitled to in respect of Property in that Ward; but any such Ratepayer or Owner may, by Notice in Writing signed by him, and delivered to the Overseers of the Parish before the Day appointed for the annual Nomination of Candidates, elect in what Ward or Wards he will vote for the ensuing Year, and determine what Proportion of Votes, having regard to the Property situated therein, he will give in any One or more such Wards; and if he do not give such Notice his Vote shall only be taken for the Ward in which he resides, or, if he do not reside within the Parish, for that Ward in which the greater Part of such Property according to its annual rateable Value shall be situated.

Overseers may object to Names of Owners on the Register.

14. The Overseers may object to the Names of any Persons entered on the Register of Owners whom they shall believe to be dead, or to be disqualified from voting as such Owners, and shall give public Notice

Notice according to the Provision in the Poor Law Amendment Act, 1844, of the Names to which they have made Objections on some Day between the *Fifth and Fifteenth Days of February*, and shall send a Copy of such Notice to the Clerk of the Guardians, who shall hear and decide such Objections at the Time of his Revision of the said Register, in like Manner as in the Case of other Objections.

Overseers may make fresh Registers.

15. The Overseers may from Time to Time make a fresh Register of Owners who have claimed to vote for Guardians and of Proxies as they shall find necessary, causing the Names to be copied from the former Register, and the Two to be carefully collated and verified.

Returning Officer to be concluded by the Register, whether revised or not.

16. The Returning Officer at the Election of Guardians shall in in all Cases be concluded by the Entries in the Register, whether such Register has or has not been revised.

Voting of Corporations and Joint Stock Companies as Ratepayers.

17. Where any Corporation Aggregate, Joint Stock or other Company, shall be rated, any Officer of such Corporation or Company from Time to Time appointed by the governing Body thereof whose Name shall be sent in Writing to the Overseers, before the First Day of March in any Year, to be entered in the Rate Book under the Name of such Corporation or Company, shall be entitled to vote in respect of the Property assessed, as if he were assessed in his own Name for the same, and in the Case of a Parish divided into Wards shall vote in that Ward where the principal Office of the Corporation or Company shall be situated, if any, or otherwise in that Ward where the greatest Part of the Property assessed shall be situated.

Informal Poor Rate, if paid, to qualify Voters at the Election of Guardians.

18. Where Money has been collected in any Parish by an Assessment under the Name and as and for a Poor Rate, the same shall be deemed to be a Rate made for the Relief of the Poor within the Meaning of the Fortieth Section of the Poor Law Amendment Act, 1834, and the Sixteenth Section of the Poor Law Amendment Act, 1844, notwithstanding any Defect in the Form of such Assessment.

When Election set aside, previous Guardian not entitled to act as Guardian.

19. When any Question as to the Election of a Guardian is decided by the Poor Law Board, and according to their Decision the Election in the Parish for which he shall have been returned is declared to have been null, the Guardian elected at any Election in the previous Year shall not be entitled to serve as such Guardian for the Remainder of the current Year, but the Poor Law Board shall, if they see fit, issue an Order for a fresh Election.

Guardians may make temporary Hirings without an Order under Seal.

20. Guardians may, with the Approval of the Poor Law Board, hire or take on Lease, temporarily or for a Term of Years not exceeding *Five*, any Land or Buildings for the Purpose of the Relief or Employment of the Poor and the Use of the Guardians or their Officers, without any Order of the said Board under Seal.

Increase of the Limit of Amount to be raised for building Workhouses.

21. The Amount limited by the Twenty-fourth Section of the Poor Law Amendment Act, 1834, with reference to the Sums to be raised for the Purpose of building Workhouses, shall be increased, and instead of the Limit of One Year's Amount of Poor Rates, as therein prescribed, a Sum not exceeding Two Thirds of the aggregate Amount of Poor Rates raised during the Three Years therein mentioned may be raised for this Purpose, and where the Site shall be within the Limits of any Municipal Borough, the Cost of such Site may be added to the Sum aforesaid.

Provision for the Contributions of divided and added Parishes in Unions and Adjustment of Liabilities.

22. When any Parish comprised in any Union shall have been or shall be subdivided, or when any Parish shall have been or shall be added to any Union after all the Valuation Lists have been finally approved, the Contributions of the several Parishes to the Common Fund thereof shall continue to be made according to the Provisions of the Union Assessment Committee Act, 1862, and the Poor Law Board shall determine by their Order the Proportions according to which the several Parts of the Parish so divided or the Parish so added shall contribute to the Common Fund until Valuation Lists for such Parts or such Parish respectively shall have been finally approved of by the Assessment Committee of the Union, and shall also in respect of such divided Parish determine the Proportions of the Liabilities of such Parish to the Common Fund at the Time of the Division, to be charged upon the several Parts according to the annual rateable Value of the Property comprised therein respectively.

Metropolitan Magistrate's Order for Relief.

23. Where the Guardians of a Union or Parish in the Metropolis, or their Officers, refuse Relief to any poor Person, a Magistrate of the Police Courts of the Metropolis may, if he thinks fit, order the Relieving Officer of the Union or Parish to give to that Person such temporary Relief by way of Lodging, or in Food, or other Articles of immediate Necessity as, in the Opinion of the Magistrate, the Case requires, and the Relieving Officer of the Union or Parish shall obey every such Order, and report the same to the Board of Guardians at their next Meeting.

Poor Law Board may

24. In case the Board of Guardians fail for *Twenty-one* Days after Receipt of a Requisition of the Poor Law Board in that Behalf to

to appoint, either originally or on a Vacancy, any Officer whom they are by Law required or authorized to appoint, the Poor Law Board may, at any Time after the Expiration of the said Term of *Twenty-one* Days, if they think fit, by Order under their Seal, appoint a fit Person to be such Officer, and determine his Salary or Remuneration to be paid by such Guardians; and the Person so appointed shall recover such Salary or Remuneration, and have and discharge all the same Powers, Rights, Privileges, and Duties, and shall incur all the same Responsibilities, as if the Appointment had been duly made by the said Guardians.

appoint Officers when Guardians make default.

25. When the Poor Law Board shall have required a Board of Guardians of a Union or Parish for which no sufficient Workhouse Accommodation shall have been provided to build a Workhouse for the Reception of the Paupers of such Union or Parish for whom Relief in a Workhouse is necessary, and the said Board of Guardians shall refuse or wilfully neglect to provide the same, the said Poor Law Board may issue an Order under their Hand and Seal to the Justices of the Peace in Quarter Sessions assembled for the County in which the Union or the greater Part thereof, or the Parish, as the Case may be, shall be situated, requiring them with all convenient Speed to cause a Site to be purchased, and a Workhouse to be erected thereon, to accommodate such Number of Inmates as the Poor Law Board shall deem necessary; and the said Justices shall thereupon forthwith proceed to cause such Site to be purchased and such Workhouse to be erected, and shall be empowered to borrow such Sum of Money as may be necessary to enable them to carry the Order into effect, and to charge the Common Fund of the said Union or the Poor Rate of the said Parish, as the Case may be, with the Repayment of the same by annual Instalments not exceeding Twenty; and all the Means now provided by Law for the Recovery of Monies borrowed by Boards of Guardians shall apply to such Loan so to be obtained by the said Justices.

Poor Law Board may, on Refusal of Guardians, require the Justices at Quarter Sessions to provide Workhouse for the Union or Parish.

26. *The Second Section of the Poor Law Amendment Act of* 1866 *shall apply to a Relieving Officer who may hold the Office of Registrar of Marriages simultaneously with that of Relieving Officer.*

Superannuation Allowance to Relieving Officer who may have been Registrar of Marriages.

27. When any Union shall have been or shall be dissolved, or when any Parish shall have been or shall be placed under the Management of a Board of Guardians, the Time passed in the Service of such Union or Parish prior to such Dissolution or the

Service in a dissolved Union may be reckoned in the Grant of Allowance

in new Union.

Constitution of such Board shall be deemed Service, which the Guardians of any other Union comprising such Parish, or the Board of Guardians for such Parish, may if they think fit take into consideration in any Case where an Officer applies for a Superannuation Allowance, and if any Person shall by means of such Dissolution be deprived of any Office or Employment, the Poor Law Board may according to their Judgment award a Compensation to be paid to such Person either in a Sum certain or by way of Annuity, and shall direct the same to be paid out of the Poor Rate of the Parish or Parishes for which such Person was acting at the Time of the Dissolution, in such Manner and according to such Proportions as to the said Board shall appear equitable.

Allowance not to be lost by reason of discontinued Employment in other Service.

28. Where an Officer shall at the Time of vacating his Office be employed solely in the Service of the Guardians, he shall not be prevented from receiving a Superannuation Allowance by reason of his having been previously simultaneously engaged in some other Employment at some Time not less than *Three* Years prior to his Application for such Allowance.

Guardians may provide for adult Paupers blind or deaf and dumb.

29. The Guardians may provide for the Reception, Maintenance, and Instruction of any adult Pauper, being blind or deaf and dumb, in any Hospital or Institution established for the Reception of Persons suffering under such Infirmities, and may pay the Charges incurred in the Conveyance of such Pauper to and from the same, as well as those incurred in his Maintenance, Support, and Instruction therein.

Guardians empowered to detain indoor Paupers.

30. When there shall be in any Workhouse a poor Person suffering from mental or bodily Disease, and the Medical Officer of such Workhouse shall upon Examination report in Writing that such Person is not in a proper State to leave the Workhouse, the Guardians may direct the Master to detain such Person therein, or, if the Guardians be not sitting, the Master of the Workhouse may, until the next Meeting of the Guardians, detain him therein, and such Person shall not be discharged from such Workhouse until the Medical Officer shall in Writing certify that such Discharge may take place; provided, however, that this Enactment shall not prevent the Removal of a Lunatic to a Lunatic Asylum, Registered Hospital, or Licensed House, when such Removal is otherwise required by Law, nor the Removal of any poor Person after the Parent or next of Kin of such Person shall have given to the Guardians such an Undertaking as they shall deem satisfactory to provide for

for the Removal, Charge, and Maintenance of such Person, with due Care and Attention while the Malady continues.

Certain Lunatics may be received in Workhouse from County Asylums.

31. The Guardians of any Union or Parish may with the Consent of the Poor Law Board and the Commissioners in Lunacy, and subject to such Regulations as they shall respectively prescribe receive into the Workhouse any Lunatic, not being dangerous, who may have been ordered to be removed to a Lunatic Asylum, upon such Terms as may be agreed upon between the said Guardians and the Committee of Visitors of any such Asylum, and thereupon every such Lunatic, so long as he shall remain in such Workhouse, shall be deemed to be still an Inmate of the Asylum for and in respect of all the Provisions in the Lunacy Acts so far as they relate to Lunatics removed to Asylums.

Pauper Lunatics from Boroughs.

32. When any Pauper Lunatic shall be sent to an Asylum from any Part of a Borough wholly or partly comprised within a Union, which Borough shall not have contributed to the Erection or Maintenance of that Asylum, the Visitors of the Asylum shall make out Two Accounts in respect of such Lunatic in the Asylum, one of which shall be limited to the Charge which would be made in the Case of a Pauper Lunatic sent from the County, and shall be transmitted to the Guardians of the said Union for Payment, and the other, which shall contain the extra Sum by Law chargeable in respect of a Pauper Lunatic received into the same Asylum from any other County, shall be transmitted to the Town Council of such Borough, and shall be paid by them as other Charges to which the Borough Fund may be liable.

A separate Creed Register to be kept in every Workhouse and Pauper School, when the Poor Law Board deem it requisite.

33. The Officer for the Time being acting as the Master of a Workhouse, or the Master or Superintendent of a District or other Pauper School, shall, when the Poor Law Board deem it requisite, keep a Register of the Religious Creed of the Pauper Inmates of such Workhouse or School separate from all other Registers, in such Form and with such Particulars as shall be prescribed by the Poor Law Board, by an Order under their Seal, and shall, upon the Admission of every Inmate therein, make due Inquiry into the Religious Belief of such Inmate, and enter such Religious Belief in such Register.

How the Religion of Children to be entered in the Creed Register.

34. In regard to any Child in the Workhouse or School under the Age of *Fourteen Years*, whether either of its Parents be in the Workhouse or not, or whether it be an Orphan or deserted Child, the Master or Superintendent shall enter in such Register, as

the Religious Persuasion of such Child, the Religious Creed of the Father, if the Master know or can ascertain the same by reasonable Inquiry, or if the same cannot be so ascertained, the Creed of the Mother of such Child, if the same be known to the said Master, or can be by him in like Manner ascertained; and the Creed of an illegitimate Child under the said Age shall be deemed to be that of its Mother, when that can be ascertained: Provided that if it be shown that the Child has been baptized in some other Religion than that of the Father or Mother respectively, the Entry of the Register shall be made according to the Baptism, unless the Father, or in the Case of his Death or Absence, the Mother shall otherwise require.

Evidence of Religious Faith.

35. Where all other Evidence fails as to the Religious Creed of a Child, a Certificate of the Baptism of such Child, under the Hand of the Minister who has the lawful Custody of the Register in which the Baptism of such Child shall have been lawfully entered, shall be deemed sufficient Evidence thereof for the Purpose of this Act, and an Entry shall be made in the Register to be kept as herein required of such Certificate where the same shall have been received; and if any Question shall arise as to the Correctness of any Entry in such Register the Poor Law Board may, if they think fit, inquire into the Circumstances of the Case, and determine such Question by directing such Entry to remain or to be amended, according to their Judgment.

The Poor Law Board to decide Questions as to Correctness of the Register.

Creed Register to be open to Inspection of all Ministers.

36. Every Minister officiating in any Church or Chapel of any Denomination in the Union or Parish in which such Workhouse or School shall be situated shall be allowed to inspect the Register or other Book which contains the Entry of the Religious Creeds of the Inmates at any Time of the Day between the Hours of *Ten before Noon and Four after Noon.*

Ministers may, subject to Regulations, visit and instruct Inmates registered as of their Religious Creed.

37. Such Ministers may, but only in such Numbers and at such Times and in accordance with such Regulations as the said Board shall approve of or by their Order prescribe, visit and instruct any Inmate of such Workhouse or School entered in such Register or Book as belonging to the same Religious Creed or Belief as such Ministers respectively belong to.

Where no Religious Service provided in the Workhouse, the Inmate may, on Sunday or other

38. Every Inmate for whom a Religious Service according to his own Creed shall not be provided in the Workhouse on Sunday, and on any other Day required by his Religion to be kept sacred, shall be permitted, subject to Regulations to be approved of or ordered

ordered by the Poor Law Board, to attend once on such Days some Place of Worship of his own Denomination within a convenient Distance of the said Workhouse: Provided that the Guardians may for previous Misconduct, or on some other special Ground, refuse Permission to any particular Inmate, and shall in such Case cause an Entry of such Refusal and the Grounds thereof to be entered in their Minutes.

sacred Day, go to his own proper Place of Worship.

39. No Child, being an Inmate of a Workhouse or such School as aforesaid, who shall be regularly visited by a Minister of his own Religious Creed for the Purpose of Religious Instruction, shall, if such Minister make Request in Writing to that Effect, be instructed in any other Religious Creed, or be required or permitted to attend any other Religious Service than that entered in such Register or Book as aforesaid, unless any Child above the Age of *Twelve Years* shall desire to receive Instruction in some other Creed, and shall be considered by the Poor Law Board to be competent to exercise a Judgment upon the Subject.

No Child in the Workhouse or School visited by a Minister of its own Religion shall be required to attend any other Religious Services, unless, being above Twelve Years of Age, he shall desire to do so.

40. The Act of the Twenty-fifth and Twenty-sixth Victoria, Chapter Forty-three, and Section Fourteen of the Poor Law Amendment Act of 1866, shall apply to illegitimate as well as legitimate Children; and with regard to illegitimate Children the Consent of the Mother, if she has the Care, Custody, or Possession of the Child, shall be sufficient for the Purposes of those Acts.

Interpretation of 25 & 26 Vict. c. 43. and 29 & 30 Vict. c. 113. s. 14. as to Child and Consent of Parents.

41. When any Parent shall wilfully neglect to provide adequate Food, Clothing, Medical Aid, or Lodging for his Child being in his Custody under the Age of *Fourteen Years*, whereby the Health of such Child shall be endangered, he shall be guilty of an Offence punishable on summary Conviction, and being convicted thereof before any Two Justices shall be liable to be imprisoned for any Period not exceeding *Six Months*, with or without Hard Labour, as such Justices shall decide, and the Guardians of the Union or Parish in which such Child shall be living may institute the Prosecution and pay the Costs thereof out of their Funds.

Parents neglecting their Children liable to Punishment.

42. When an Order of Removal is obtained by the Guardians of any Union not formed under the Poor Law Amendment Act, 1834, or by the Guardians or Overseers of any Parish not included in any Union so formed, in respect of a Pauper alleged to be settled in some Parish included in a Union so formed, such Order shall be addressed to the Guardians thereof, and shall be dealt with in all respects as provided by the Union Chargeability Act, 1865.

Provision for Orders of Removal from a Union not formed under 4 & 5 W. 4. c. 76., or from a Parish not in Union.

 43. When

Provision for suspended Orders of Removal.

43. When any Order of Removal made before the passing of the said last-mentioned Statute shall have been suspended, and such Suspension shall hereafter be taken off, the Order of Expenses to be made thereon shall, in the Case of a Parish comprised in a Union, be made in favour of the Guardians of the Union comprising the Parish entitled to be reimbursed, and against the Guardians of the Union containing the Parish to which the Order of Removal was addressed; and the several Boards of Guardians shall apply so much of the Expenses as were incurred before the Twenty-fifth Day of March One thousand eight hundred and sixty-six to the Account of the respective Parishes, and the Residue to the Account of the Common Funds of the Unions.

Orders of Removal may be suspended in the Case of Unions, and the Expenses recovered quarterly.

44. When an Order of Removal is made upon the Guardians of any Union, its Execution may be suspended in like Manner as in the Case of Orders of Removal heretofore made in Parishes, and with the like Requirements, Liabilities, and Consequences; provided that the Guardians of the Union in whose Favour such Order is made may send an Account to the Guardians of the Union upon whom it is made, at the End of every Quarter, of the Cost incurred in the Maintenance of the Pauper and of his Family, as the Case may require; and the said last-mentioned Guardians may pay the same, and if they neglect to do so the said first-mentioned Guardians may recover the Amount of the Sum reasonably expended by them in any County Court within whose Jurisdiction their Union or the greater Part thereof shall be situated.

Jurisdiction of Justices in Unions.

45. Where a Union extends into several distinct Jurisdictions, every Matter, Act, Charge, or Complaint by which the Guardians thereof are affected, or in which they have any Interest, shall for the Purpose of Jurisdiction be deemed to arise or exist equally throughout the Union.

Repeal of Part of 7 & 8 Vict. c. 101. s. 61.

46. So much of the Sixty-first Section of the Poor Law Amendment Act, 1844, shall be repealed as provides "that the Inhabitants "in Vestry assembled of any Parish situated within the District for "which any Collector or Assistant Overseer, appointed under any "Order of the said Commissioners, now acts, may appoint such "Collector or Assistant Overseer to discharge all the Duties of an "Overseer of the Poor, in addition to those of Collector of Poor Rates "for such Parish, and in the same Manner as if he were appointed "thereto as an Assistant Overseer under the Provisions of an Act "passed in the Fifty-ninth Year of the Reign of His late Majesty King "George the Third, intituled 'An Act to amend the Laws for the

"'Relief

" 'Relief of the Poor,' and that wherever any such Collector or " Assistant Overseer has been or may be appointed under any Order " of the said Commissioners, and whilst the said Order remains in force, " the Powers of any Vestry or Parish Officers, or of any other Persons " other than the Board of Guardians of such Parish or Union (if a " Board of Guardians have been constituted), to appoint any " Collector or Assistant Overseer, and (if so directed by the said " Commissioners) every Appointment under such Powers, shall " cease."

Demand of Poor Rate may be made on the Premises.

47. When a Poor Rate shall be made and assessed upon any Land or Premises, and the Occupier thereof is not living on such Land or Premises nor in the Parish for which the Rate shall be made, or the Owner, if assessed for such Rate in the Place of the Occupier, is not living in such Parish, a Demand of the Rate in Writing delivered to the Person having the Custody of the Land or Premises, or if no such Person can be found then affixed upon some conspicuous Part of the Land or Premises, shall be deemed a sufficient Demand to justify Proceedings for the Nonpayment of such Rate; and where the Residence or Place of Abode of the Person assessed is not known to the Overseers, and cannot be ascertained upon Inquiry at the said Land or Premises, the Summons for the Nonpayment of the Rate may be served in like Manner.

Demand of Rate from a Corporation or a Company.

48. When any Corporation or Company is assessed for a Poor Rate, a Demand for Payment, either made by Letter sent through the Post addressed to the Clerk or Secretary or other principal Officer of the Corporation or Company at the Office of such Corporation or Company, or made personally upon such Clerk, Secretary, or Officer at such Office, shall be deemed a sufficient Demand, and a Summons for the Nonpayment of such Rate may be served in like Manner.

Fire Engine may be purchased for the Use of the Parish.

49. If the Vestry of any Parish, after due Notice, shall resolve that the Overseers shall provide any Fire Engine, Ladder, or Fire Escape for general Use in the Parish, the Overseers shall provide the same, and pay out of the Poor Rate the Cost thereof, and of procuring a proper Place wherein to keep the same, and of maintaining it, as well as any such Engine, Ladder, or Escape acquired by the Parish in any other Manner for such Use, in a fit State of Repair, and the Charges of such Persons as may be necessary for the Use thereof, and the Cost of suitable Implements and Accoutrements.

Title of Act and Interpretation Clause.

50. This Act may be cited as " The Poor Law Amendment Act, 1867," and the several Acts mentioned in the Schedule may be cited as

as therein set forth; and the Words contained herein shall be construed in like Manner as in the Poor Law Amendment Act, 1834, and in the subsequent Acts amending, explaining, or extending the same, and all the Provisions of such Acts now in force, so far as they are consistent with this Act, shall be incorporated herewith.

SCHE-

SCHEDULE.

Date of the Statute.	Title for Citation.
4 & 5 W. 4. c. 76.	The Poor Law Amendment Act, 1834.
5 & 6 W. 4. c. 69.	The Union and Parish Property Act, 1835.
5 & 6 Vict. c. 18.	Parish Property and Parish Debts Act, 1842.
5 & 6 Vict. c. 57.	Poor Law Amendment Act, 1842.
7 & 8 Vict. c. 101.	Poor Law Amendment Act, 1844.
9 & 10 Vict. c. 66.	Poor Removal Act, 1846.
10 & 11 Vict. c. 109.	Poor Law Board Act, 1847.
11 & 12 Vict. c. 31.	Poor Law Procedure Act, 1848.
11 & 12 Vict. c. 91.	Poor Law Audit Act, 1848.
11 & 12 Vict. c. 110.	Poor Law Amendment Act, 1848.
12 & 13 Vict. c. 103.	Poor Law Amendment Act, 1849.
13 & 14 Vict. c. 101.	Poor Law Amendment Act, 1850.
14 & 15 Vict. c. 105.	Poor Law Amendment Act, 1851.

Poor Law Board, &c. Bill.

A

B I L L

To make the Poor Law Board permanent, and to provide various Amendments in the Laws for the Relief of the Poor.

(*Prepared and brought in by Mr. Sclater Booth and Mr. Secretary Gathorne Hardy.*)

Ordered, by The House of Commons, *to be Printed*, 6 *June* 1867.

[Bill 193.]

Under 2 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Make the Poor Law Board permanent, and to provide sundry Amendments in the Laws for the Relief of the Poor.

WHEREAS it is expedient to make the Poor Law Board permanent, and to provide sundry Amendments in the Laws for the Relief of the Poor: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Statute 10 & 11 Vict. c. 109. s. 28. repealed. The Poor Law Board made permanent.

1. From and after the passing of this Act, the Twenty-eighth Section of the Poor Law Board Act, 1847, the Operation of which Section has been extended by divers Acts until the Twenty-third Day of July in this Year and the End of the next Session of Parliament, shall be repealed.

Local Acts relating to the Poor in Places out of the Metropolis may be altered by a

2. Where in any Union or Parish not being within the Metropolis as defined by the Metropolitan Poor Act, 1867, the Relief of the Poor, or the making and levying of the Poor Rate, is subject to the Control or Regulation of any Local Act, it shall be competent for the Guardians of such Union or Parish having Powers to exercise

Provisional Order of the Poor Law Board, to be confirmed by subsequent Statute.

or Duties to discharge under such Act to apply to the Poor Law Board to issue an Order to repeal the whole or any Part of such Local Act, or to alter the same, such Application having been agreed to by the Majority at Two successive Meetings of the said Guardians, and being forwarded in Writing under the Hand of the presiding Chairman of the Second of such Meetings to the said Board; and the said Board may, if after due Inquiry they shall deem it expedient, make and issue a Provisional Order for such Repeal or Alteration, and shall take all necessary Steps for the Confirmation of such Order by Act of Parliament, but previously to such Confirmation the said Order shall not be of any Validity whatever; and every Act of Parliament confirming such Order shall be deemed a Public General Act.

In case any Petition shall be presented to either House of Parliament against such Order in the Progress through Parliament of the Bill confirming the same, the Bill, so far as it relates to the Order so petitioned against, may be referred to a Select Committee, and the Petitioner shall be allowed to appear and oppose as in the Case of Private Bills.

Poor Law Board may adjust intermingled Parishes or divide extensive Parishes by Provisional Order to be confirmed by Parliament.

3. Where several Parts of any Parish are separated from one another or intermixed with an adjoining Parish, or where a Parish is of great Extent in Area, and an Application shall be made to the Poor Law Board by the Chairmen of Meetings of Owners of Property and Ratepayers in the Parish or Parishes interested in the Subject duly convened after public Notice, the said Board may, if satisfied that the due Administration of the Relief to the Poor is impeded by the topographical Condition of the Parish or Parishes, make an Order under Seal for re-adjusting or dividing the said Parishes according to the Terms of the Application, and for the Purposes and Objects set forth therein, or with such Modifications as they shall deem expedient, and such Order shall be made provisionally, and shall be submitted to Parliament, to be confirmed in the Manner herein-before set forth.

Qualification of Guardian.

4. The Qualification of a Guardian, described by the Poor Law Amendment Act, 1834, shall be determined with reference to the annual rateable Value of the Property in respect of which his Qualification is claimed.

Resident Owners in a Parish not to vote by Proxy.

5. No Owner shall vote by Proxy at the Election of a Guardian for any Parish if at the Time of such Election he shall be residing within the said Parish, or within Seven Miles in a straight Line from the nearest Boundary thereof.

6. The

Provision for voting of Voters in Wards. 7 & 8 Vict. c. 101. s. 21. repealed.

6. The Twenty-first Section of the Poor Law Amendment Act, 1844, shall be repealed; and no Person in any future Election of Guardians entitled to vote shall give in the whole of the Wards into which a Parish may be divided a greater Number of Votes than he would have been entitled to have given if the Parish had not been divided into Wards, nor in any One Ward a greater Number of Votes than he is entitled to in respect of Property in that Ward; but any such Ratepayer or Owner may, by Notice in Writing signed by him, and delivered to the Overseers of the Parish before the Day appointed for the annual Nomination of Candidates, elect in what Ward or Wards he will vote for the ensuing Year, and determine what Proportion of Votes, having regard to the Property situated therein, he will give in any One or more such Wards; and if he do not give such Notice his Vote shall only be taken for the Ward in which he resides, or, if he do not reside within the Parish, for that Ward in which the greater Part of such Property according to its annual rateable Value shall be situated.

Overseers may object to Names of Owners on the Register.

7. The Overseers may object to the Names of any Persons entered on the Register of Owners whom they shall believe to be dead, or to be disqualified from voting as such Owners, and shall give public Notice according to the Provision in the Poor Law Amendment Act, 1844, of the Names to which they have made Objections on some Day between the Fifth and Fifteenth Days of February, and shall send a Copy of such Notice to the Clerk of the Guardians, who shall hear and decide such Objections at the Time of his Revision of the said Register, in like Manner as in the Case of other Objections.

Overseers may make fresh Registers.

8. The Overseers may from Time to Time make a fresh Register of Owners who have claimed to vote for Guardians and of Proxies as they shall find necessary, causing the Names to be copied from the former Register, and the Two to be carefully collated and verified.

Returning Officer to be concluded by the Register, whether revised or not.

9. The Returning Officer at the Election of Guardians shall, in in all Cases in which a Revision can take place, be concluded by the Entries in the Register, whether such Register has or has not been revised.

Voting of Corporations and Joint Stock Companies as Ratepayers.

10. Where any Corporation Aggregate, Joint Stock or other Company, Commissioners, or public Trustees, shall be rated, any Officer of such Corporation, Company, Commissioners, or public Trustees from Time to Time appointed by the governing Body thereof whose Name shall be sent in Writing to the Overseers

before the First Day of March in any Year, to be entered in the Rate Book under the Name of such Corporation, Company, Commissioners, or public Trustees, shall be entitled to vote in respect of the Property assessed, as if he were assessed in his own Name for the same, and in the Case of a Parish divided into Wards shall vote in that Ward where the principal Office of the Corporation, Company, Commissioners, or public Trustees shall be situated, if any, or otherwise in that Ward where the greatest Part of the Property assessed shall be situated.

Informal Poor Rate, if paid, to qualify Voters at the Election of Guardians.

11. Where Money has been collected in any Parish by an Assessment under the Name and as and for a Poor Rate, the same shall be deemed to be a Rate made for the Relief of the Poor within the Meaning of the Fortieth Section of the Poor Law Amendment Act, 1834, and the Sixteenth Section of the Poor Law Amendment Act, 1844, notwithstanding any Defect in the Form of such Assessment.

When Election set aside, previous Guardian not entitled to act as Guardian.

12. When any Question as to the Election of a Guardian is decided by the Poor Law Board, and according to their Decision the Election in the Parish for which he shall have been returned is declared to have been null, the Guardian elected at any Election in the previous Year shall not be entitled to serve as such Guardian for the Remainder of the current Year, but the Poor Law Board shall, if they see fit, issue an Order for a fresh Election.

Guardians may make temporary Hirings without an Order under Seal.

13. Guardians may, with the Approval of the Poor Law Board, hire or take on Lease, temporarily or for a Term of Years not exceeding Five, any Land or Buildings for the Purpose of the Relief or Employment of the Poor and the Use of the Guardians or their Officers, without any Order of the said Board under Seal.

Increase of the Limit of Amount to be raised for building Workhouses.

14. The Amount limited by the Twenty-fourth Section of the Poor Law Amendment Act, 1834, with reference to the Sums to be raised for the Purpose of building Workhouses, shall be increased, and instead of the Limit of One Year's Amount of Poor Rates, as therein prescribed, a Sum not exceeding Two Thirds of the aggregate Amount of Poor Rates raised during the Three Years therein mentioned may be raised for this Purpose, and where the Site shall be within any Municipal Borough, or within Five Miles from the outward Boundary thereof, the Cost of such Site may be added to the Sum aforesaid.

Provision for the Contributions of divided and

15. When any Parish comprised in any Union shall have been or shall be subdivided, or when any Parish shall have been or shall be added to any Union after all the Valuation Lists have been finally approved,

approved, the Contributions of the several Parishes to the Common Fund thereof shall continue to be made according to the Provisions of the Union Assessment Committee Act, 1862, and the Poor Law Board shall determine by their Order the Proportions according to which the several Parts of the Parish so divided or the Parish so added shall contribute to the Common Fund until Valuation Lists for such Parts or such Parish respectively shall have been finally approved of by the Assessment Committee of the Union, and shall also in respect of such divided Parish determine the Proportions of the Liabilities of such Parish to the Common Fund at the Time of the Division, to be charged upon the several Parts according to the annual rateable Value of the Property comprised therein respectively.

added Parishes in Unions and Adjustment of Liabilities.

16. The Proviso to Section Forty of "The Poor Law Amendment Act, 1844," and so much of Section Forty-three of the said Act as requires the Consent in Writing of a Majority of the District Board therein described to the Alteration of such District, are hereby repealed.

7 & 8 Vict. c. 101. s. 40., Proviso, and Part of s. 43, repealed.

17. The Power conferred by the Third Section of "The Union and Parish Property Act, 1835," upon the Persons who were the Guardians of any Dissolved Union at the Time of its Dissolution shall extend to the Persons who constituted the Board of Guardians of a Parish when such Board shall be dissolved.

5 & 6 W. 4. c. 69. s. 3. extended to the Case of a dissolved Board of Guardians for a Parish.

18. The Second Section of the Poor Law Amendment Act of 1866 shall apply to a Relieving Officer who may hold the Office of Registrar of Marriages simultaneously with that of Relieving Officer.

Superannuation Allowance to Relieving Officer who may have been Registrar of Marriages.

19. When any Union shall have been or shall be dissolved, or when any Parish shall have been or shall be placed under the Management of a Board of Guardians, the Time passed in the Service of such Union or Parish prior to such Dissolution or the Constitution of such Board shall be deemed Service, which the Guardians of any other Union comprising such Parish, or the Board of Guardians for such Parish, may, if they think fit, take into consideration in any Case where an Officer applies for a Superannuation Allowance; and if any Person shall by means of such Dissolution be deprived of any Office or Employment, the Poor Law Board may, according to their Judgment, award a Compensation to be paid to such Person, either in a Sum certain or by way of Annuity, and shall direct the same to be paid out of the Poor Rate of the Parish or Parishes for which such Person was acting at the Time of the Dissolution, in such Manner and according to such Proportions as to the said Board shall appear equitable.

Service in a dissolved Union may be reckoned in the Grant of Allowance in new Union.

 20. Where

Allowance not to be lost by reason of discontinued Employment in other Service.

20. Where an Officer shall at the Time of vacating his Office be employed solely in the Service of the Guardians, he shall not be prevented from receiving a Superannuation Allowance by reason of his having been previously simultaneously engaged in some other Employment at some Time not less than Three Years prior to his Application for such Allowance.

Guardians may provide for adult Paupers blind or deaf and dumb.

21. The Guardians may provide for the Reception, Maintenance, and Instruction of any adult Pauper, being blind or deaf and dumb, in any Hospital or Institution established for the Reception of Persons suffering under such Infirmities, and may pay the Charges incurred in the Conveyance of such Pauper to and from the same, as well as those incurred in his Maintenance, Support, and Instruction therein.

Guardians empowered to detain indoor Paupers.

22. When there shall be in any Workhouse a poor Person suffering from mental Disease, or from bodily Disease of an infectious or contagious Character, and the Medical Officer of such Workhouse shall upon Examination report in Writing that such Person is not in a proper State to leave the Workhouse, the Guardians may direct the Master to detain such Person therein, or, if the Guardians be not sitting, the Master of the Workhouse may, until the next Meeting of the Guardians, detain him therein, and such Person shall not be discharged from such Workhouse until the Medical Officer shall in Writing certify that such Discharge may take place; provided, however, that this Enactment shall not prevent the Removal of a Lunatic to a Lunatic Asylum, Registered Hospital, or Licensed House, when such Removal is otherwise required by Law, nor the Removal of any poor Person after the Parent or Next of Kin of such Person shall have given to the Guardians such an Undertaking as they shall deem satisfactory to provide for the Removal, Charge, and Maintenance of such Person, with due Care and Attention, while the Malady continues; and this Provision shall apply to every District School and District Asylum, and to the Managers, Board of Management, Medical Officer, Superintendent, or Master thereof respectively.

Pauper Lunatics from Boroughs.

23. When any Pauper Lunatic shall be sent to an Asylum from any Part of a Borough wholly or partly comprised within a Union, which Borough shall not have contributed to the Erection or Maintenance of that Asylum, the Visitors of the Asylum shall make out Two Accounts in respect of such Lunatic in the Asylum, one of which shall be limited to the Charge which would be made in the Case of a Pauper Lunatic sent from the County, and shall be transmitted to the Guardians of the said Union for Payment,

and

and the other, which shall contain the extra Sum by Law chargeable in respect of a Pauper Lunatic received into the same Asylum from any other County, shall be transmitted to the Town Council of such Borough, and shall be paid by them as other Charges to which the Borough Fund may be liable.

Provision for Orders of Removal from a Union not formed under 4 & 5 W. 4. c. 76., or from a Parish not in Union.

24. When an Order of Removal is obtained by the Guardians of any Union not formed under the Poor Law Amendment Act, 1834, or by the Guardians or Overseers of any Parish not included in any Union so formed, in respect of a Pauper alleged to be settled in some Parish included in a Union so formed, such Order shall be addressed to the Guardians of such Union, and shall be dealt with in all respects as provided by the Union Chargeability Act, 1865.

Provision for suspended Orders of Removal.

25. When any Order of Removal made before the passing of the said last-mentioned Statute shall have been suspended, and such Suspension shall hereafter be taken off, the Order of Expenses to be made thereon shall, in the Case of a Parish comprised in a Union, be made in favour of the Guardians of the Union comprising the Parish entitled to be reimbursed, and against the Guardians of the Union containing the Parish to which the Order of Removal was addressed; and the several Boards of Guardians shall apply so much of the Expenses as were incurred before the Twenty-fifth Day of March One thousand eight hundred and sixty-six to the Account of the respective Parishes, and the Residue to the Account of the Common Funds of the Unions.

Orders of Removal may be suspended in the Case of Unions, and the Expenses recovered quarterly.

26. When an Order of Removal is made upon the Guardians of any Union, its Execution may be suspended in like Manner as in the Case of Orders of Removal heretofore made in Parishes, and with the like Requirements, Liabilities, and Consequences; provided that the Guardians of the Union in whose Favour such Order is made may send an Account to the Guardians of the Union upon whom it is made, at the End of every Quarter, of the Cost incurred in the Maintenance of the Pauper and of his Family, as the Case may require; and the said last-mentioned Guardians may pay the same, and if they neglect to do so the said first-mentioned Guardians may recover the Amount of the Sum reasonably expended by them in any County Court within whose Jurisdiction their Union or the greater Part thereof shall be situated.

Jurisdiction of Justices in Unions.

27. Where a Union extends into several distinct Jurisdictions, every Matter, Act, Charge, or Complaint by which the Guardians thereof are affected, or in which they have any Interest, shall for the Purpose

of Jurisdiction be deemed to arise or exist equally throughout the Union.

Fire Engine may be purchased for the Use of the Parish.

28. If the Vestry of any Parish, where there is no Town Council, Local Board, or other Authority competent to provide the same, after due Notice, shall resolve that the Overseers shall provide any Fire Engine, Ladder, or Fire Escape for general Use in the Parish, the Overseers shall provide the same, and pay out of the Poor Rate the Cost thereof, and of procuring a proper Place wherein to keep the same, and of maintaining it, as well as any such Engine, Ladder, or Escape acquired by the Parish in any other Manner for such Use, in a fit State of Repair, and the Charges of such Persons as may be necessary for the Use thereof, and the Cost of suitable Implements and Accoutrements.

Title of Act and Interpretation Clause.

29. This Act may be cited as "The Poor Law Amendment Act, 1867," and the several Acts mentioned in the Schedule may be cited as therein set forth; and the Words contained herein shall be construed in like Manner as in the Poor Law Amendment Act, 1834, and in the subsequent Acts amending, explaining, or extending the same, and all the Provisions of such Acts now in force, so far as they are consistent with this Act, shall be incorporated herewith.

SCHE-

SCHEDULE.

Date of the Statute.	Title for Citation.
4 & 5 W. 4. c. 76. -	The Poor Law Amendment Act, 1834.
5 & 6 W. 4. c. 69. -	The Union and Parish Property Act, 1835.
5 & 6 Vict. c. 18. -	Parish Property and Parish Debts Act, 1842.
5 & 6 Vict. c. 57. -	Poor Law Amendment Act, 1842.
7 & 8 Vict. c. 101. -	Poor Law Amendment Act, 1844.
9 & 10 Vict. c. 66. -	Poor Removal Act, 1846.
10 & 11 Vict. c. 109. -	Poor Law Board Act, 1847.
11 & 12 Vict. c. 31. -	Poor Law Procedure Act, 1848.
11 & 12 Vict. c. 91. -	Poor Law Audit Act, 1848.
11 & 12 Vict. c. 110. -	Poor Law Amendment Act, 1848.
12 & 13 Vict. c. 103. -	Poor Law Amendment Act, 1849.
13 & 14 Vict. c. 101. -	Poor Law Amendment Act, 1850.
14 & 15 Vict. c. 105. -	Poor Law Amendment Act, 1851.

Poor Law Board, &c. Bill.

A

B I L L

[AS AMENDED IN COMMITTEE]

To make the Poor Law Board permanent, and to provide various Amendments in the Laws for the Relief of the Poor.

(*Prepared and brought in by*
Mr. Sclater Booth
and Mr. Secretary Gathorne Hardy.)

Ordered, by The House of Commons, *to be Printed,*
22 *July* 1867.

[Bill 271.]

Under 2 *oz.*

LORDS AMENDMENTS

TO THE

POOR LAW BOARD, &c. BILL.

Note.—*The Page and Line refer to the Bill* (271.) *as printed by the Lords.*

Page 2.

Line 13. Leave out from ("Act") to the End of the Clause.

Leave out Clause 3. and insert Clause (A.):

Poor Law Board may adjust intermingled Parishes or divide extensive Parishes by Provisional Order to be confirmed by Parliament.

CLAUSE (A.) Where several Parts of any Parish are separated from one another or intermixed with an adjoining Parish, or where a Parish is of great Extent in Area, and an Application in Writing shall be made to the Poor Law Board by One Tenth Part in Value of Owners of Property and of Ratepayers in the Parish or Parishes respectively interested in the Subject, the said Board may, if satisfied by public Inquiry on the Spot, after Fourteen Days public Notice of the Time, Place, and Object of such intended Inquiry, that the Relief to the Poor can be better administered in the Parish or Parishes by means of such Re-adjustment or Division as herein-after mentioned, make an Order under Seal for re-adjusting or dividing the said Parishes according to the Terms of the Application, and for the Purposes and Objects set forth therein, or with such Modifications as they shall deem expedient; and such Order shall be made provisionally, and shall be submitted to Parliament to be confirmed in the Manner herein-before set forth.

Line 39. Leave out from ("Parish") to the End of the Clause.

Page 3.

Line 17. After ("situated") insert ("provided that no Person "shall be qualified to nominate a Guardian for any Ward in which "he is not qualified to vote")

Page 5.

Line 25. After ("Officer") insert Clause (B.):

Allowance not to be lost by reason of discontinued Employment in other Service.

CLAUSE (B.) Where an Officer shall at the Time of vacating his Office be employed solely in the Service of the Guardians, he shall not be prevented from receiving a Superannuation Allowance by reason of his having been also employed under another public Authority, provided that such last-mentioned Employment shall have ceased not less than Three Years prior to his Application for such Allowance.

Page 6.

Line 32. After ("shall") insert ("where the Union and the "Borough are not conterminous")

Page 7.

Line 37. After ("Union") insert Clause (C.):

Rates under Sect. 15. of 26 & 27 Vict. to be subject to Audit.

CLAUSE (C.) The Rates made by the Overseers under the Provisions of the Fifteenth Section of The Public Works (Manufacturing Districts) Act, 1863, and the Accounts of every Officer who may collect the same, shall be subject to be audited by the same Auditor and in the same Manner as the Rates made for the Relief of the Poor by the same Overseers, and the Accounts of the Receipts and Payments in respect of such Poor Rates.

LORDS AMENDMENTS

TO THE

POOR LAW BOARD, &c. BILL.

Ordered, by The House of Commons, *to be Printed,* 12 *August* 1867.

[Bill 312.] *Under* 1 *oz.*

A

B I L L

FOR

Confirming a Scheme of the Charity Commissioners for the Charity called Sir John Port's Hospital in Etwall and School in Repton in the County of Derby.

WHEREAS the Charity Commissioners for England and Wales, in their Report to Her Majesty of their Proceedings during the Year One thousand eight hundred and Sixty-six, have reported that they have provisionally approved and certified a Scheme for Sir John Port's Hospital in Etwall and School in Repton in the County of Derby, and such Scheme is set out in the Appendix to their said Report: Preamble. 14th Report, dated 27th Feb. 1867.

And whereas it is expedient that the said Scheme as the same is set out in the Schedule to this Act should be confirmed:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. The said Scheme shall be confirmed and take effect. Scheme confirmed.

SCHEDULE.

SCHEME.

Commencement of Scheme.

1. This Scheme shall be finally established and come into full operation upon the final passing of the Order of the Charity Commissioners appointing a Portion of the First Body of Trustees to be made as herein-after mentioned.

Dissolution of Corporation and Court of Management.

2. Upon the final Establishment of this Scheme the existing Corporation, called the "Master, Schoolmaster, Ushers, Poor Men, and Poor Scholars of the "Hospital and Free School of Sir John Port, Knight, in Etwall and Repton, "otherwise Reppingdon, of the Foundation of the said Sir John Port," shall be dissolved, and the Court of Management thereof abolished. Thenceforth

Establishment of Trustees.

the Management and Control of the said Hospital and School and of all the Possessions thereof, except the Advowson of Willington, shall be vested in a Body of Trustees, who shall be called "Sir John Port's Trustees," and the legal Estate in all Lands and Hereditaments belonging to or held in trust for the Charity, except the Advowson of Willington, shall vest in "The Official Trustee of Charity Lands" and his Successors in trust for "Sir John Port's Trustees."

First Trustees.

3. The First Members of the Body of Trustees shall be the Three Hereditary Governors of the Hospital and School, namely,—

The Most Noble Henry Weysford Charles Plantagenet Marquis of Hastings,
The Right Honourable George Philip Cecil Arthur Earl of Chesterfield, and
Sir Robert Tolver Gerard, Baronet;
Sir John Harpur Crewe, Baronet, as Heir of John Harpur, Esquire, mentioned in the subsisting Charter;
The Reverend David Crawford Cochrane, M.A., in right and during Tenure of his Office of Master of the Hospital in Etwall; and Seven other Persons resident within Twenty Miles of the Schoolhouse at Repton.

4. The First Trustees shall be appointed as follows:—Within Three Calendar Months after the Act confirming this Scheme has received the Royal Assent the Hereditary Governors shall appoint Three Trustees duly qualified as aforesaid; the other Four shall be appointed by order of the Charity Commissioners. If the Hereditary Governors neglect to appoint Three Trustees within the said Term of Three Months, so many Places as they neglect to fill shall be filled by order of the Charity Commissioners. If any of the Hereditary Governors or Sir John Harpur Crewe decline to act under this Scheme, his Place shall be filled by order of the Charity Commissioners.

5. The

Future Trustees.

5. The Hereditary Governors and the Heir for the Time being of John Harpur shall, if willing to accept and competent to act in the Trust, and the Master of the Hospital for the Time being shall be always Members of the Body of Trustees. The remaining Trustees shall consist of Seven Persons duly qualified as aforesaid, of whom Three shall be appointed by the Hereditary Governors, and the remaining Four shall, after the First Appointment, be appointed by the general Body of Trustees with the Sanction of the Charity Commissioners.

If Governors or Heir of John Harpur incompetent to act, or fail to appoint, the general Body shall fill Vacancies in the Trust.

6. If any of the Hereditary Governors or the Heirs of John Harpur declines or is incompetent to be a Trustee, or if the Hereditary Governors omit for the Space of Six Calendar Months after the Vacation of Office by any of the Trustees appointed by them to replace such Trustees, the Power of appointing Trustees to fill all such vacant Places shall be exercised by the general Body of Trustees with the Sanction of the Charity Commissioners; provided always, that any of the Hereditary Governors or the Heir of John Harpur having been incompetent to act, and having become freed for such incompetency, shall be entitled to act as a Trustee, though the Number may be thereby temporarily increased beyond Twelve.

Vacancies in the Trust.

7. The Office of Trustee shall become vacant as to all the appointed Trustees on their Resignation or Bankruptcy, or on their ceasing to reside within Twenty Miles of the School-house in Repton, or their Refusal or Incapacity or Omission for a Period of Two consecutive Years to act; provided always, that the Condition of Residence may, if the Circumstances require it, be dispensed with, either on original Appointment or afterwards, by Order of the Charity Commissioners.

Rights to vest in Trustees.

8. All Rights, Privileges, and the full Benefit of all subsisting Covenants, Conditions, and Securities made, reserved, or belonging to the existing Corporation or Court of Management, or to any Person in trust for them, and all Personal Estate and Right to sue for and recover all Rents, Choses in Action, and Monies belonging to or recoverable for the Benefit of the said Institutions, or either of them, shall immediately and from Time to Time vest and continue vested in "Sir John Port's Trustees" for the Time being, and the Right to sue upon or enforce all or any Covenants, Conditions, and Securities made, reserved, or contracted to or with the said Corporation or Court of Management before their Dissolution or Abolition, or to or with any preceding Members thereof, shall be exerciseable in the Name of "Sir John Port's Trustees" as fully and effectually as the same might have been exercised by and in the Name of such Corporation, Court of Management, or Members thereof, if this Scheme had not been established.

Advowson of Willington.

9. Upon the final Establishment of this Scheme the Right of nominating and presenting the Vicar of Willington shall belong to and be exercised by the Hereditary Governors as fully as it has heretofore been exercised by the Corporation or the Court of Management.

Appointments how to be filled up.

10. The Hereditary Governors shall have the Right of appointing the Master of the Hospital (subject nevertheless to the Provisions herein-after made with respect to the Vicar of Willington), the Head Master of the School, and the Two Ushers thereof as heretofore, and the Sixteen Almsmen and

Eight poor Scholars shall be appointed by the said Governors and the Heir of the said John Harpur as heretofore. All such Appointments shall be made withina reasonable Time.

No Lapse to Judge of Assize.

There shall be no Lapse of the Right of Appointment to the Judge of Assize, as provided by the Private Act of Parliament, Fifth George the Fourth, Chapter Thirty-eight, for regulating the Affairs of this Charity; but during Vacancies the Trustees shall make such Provision as seems to them expedient for the due Conductof the School and the Hospital.

Vicar of Willington to be Master of Hospital.

Stipend of the Master of Hospital.

11. After the next Vacancy of the Vicarage of Willington the Vicar of Willington for the Time being, if willing to accept the Office, shall be Master of the Hospital; and he shall receive for his Stipend as such Master, out of the Revenues of the Foundation, such a Sum as shall be from Time to Time fixed by any Law Constitutions, or Ordinances, made under the Provisions of this Scheme, but so that his Income, including the Benefice of Willington, shall not exceed the Income which he would have received under the present Constitution of the Charity.

If Vicar unwilling to be appointed, Trustees to make temporary Arrangements.

12. In the event of any Vicar of Willington being unwilling to accept the Office of Master of the Hospital, or of his resigning, or being deprived of such Office, the Trustees shall make such temporary Arrangements for the Discharge, by some other Person, of the Duties of Master of the Hospital during the Incumbency of such Vicar as under the Circumstances of the Case they shall deem best for the Institution.

Duties of the Master of Hospital.

13. The Master of the Hospital shall visit and render Spiritual Ministrations to the Almsmen, or to such of them as may be resident in Etwall or Willington, and shall report to the Trustees if any of the Almsmen is offending against the Rules of the Institution. He shall summon and attend Meetings of the Trustees unless otherwise directed by any Laws, Constitutions, or Ordinances to be made under the Authority herein-after conferred. He shall also discharge such other Functions as may be imposed on him by any such Laws, Constitutions, or Ordinances.

Trustees to have Management.

14. The Trustees shall have the general Management of the whole Property of the Charity with such Power and Authorities as the Law confers on Trustees managing Property belonging to Charities.

And make Laws, Constitutions, and Ordinances.

15. The Trustees shall from Time to Time, and as Circumstances require, subject to the Approval of the Board of Charity Commissioners for England and Wales, frame Laws, Constitutions, and Ordinances for the Conduct and Management of all Matters connected with the Administration of their Trust, and its Possessions and Affairs, including the Regulation of their own Proceedings, and also for the Government and Conduct of the Hospital and School, and of all the Officers and Beneficiaries of the Charity.

Specifically as to free Education;

16. In framing such Laws, Constitutions, and Ordinances for the Government and Conduct of the School it shall be lawful for them, with the Approval aforesaid, to make such Regulations or Restrictions respecting any Privileges of free Education which may be claimed by or be desirable to be conferred upon Residents in Repton, Etwall, or elsewhere, as may be most for the Benefit of the said School; provided that no such Laws, Constitutions, or

Ordinances

Ordinances shall prevent or interfere with the Exercise of the Right of the Hereditary Governors and the Heir of John Harpur to appoint poor Scholars as heretofore.

and as to Area for Selection of Almsmen and Residence and Attendance at Church.

17. In framing such Laws, Constitutions, and Ordinances for the Regulation of the said Hospital, it shall be lawful for the Trustees, with the Approval aforesaid, to provide that the Almsmen shall be chosen from other Places than the Parish of Etwall, and that they may be relieved from the Obligation to reside in the Hospital, or to attend Divine Service in Etwall Church, and that the Master may be relieved from his Obligation to reside in the Hospital, or to perform Divine Service in Etwall Church, and to make such Regulations concerning these several Matters as from Time to Time shall appear to be required by Circumstances.

Removal of Beneficiaries.

18. The Trustees shall have the Power of removing or depriving of the Benefit of the Charity for Misbehaviour, or other just and sufficient Cause, any Person now receiving or hereafter appointed to receive the Benefit of the Charity; provided always, that such Removal shall be made with the Sanction of the Charity Commissioners.

Existing Rights preserved.

19. No Laws, Constitutions, or Ordinances, made under the Authority of this Scheme, shall have the Effect of placing any existing Member of the Corporate Body in a worse Position with respect to his Emoluments and Privileges, or without his own Consent, in any different Position than he now holds under the present Constitution of the Charity.

Surplus Income.

20. After answering all the Expenses of Management, the Income of the Foundation shall be applied according to the Laws, Constitutions, and Ordinances to be made as aforesaid, in such Proportions and Manner as shall be deemed most for the Benefit of the Institutions, in the Support or Increase of either the Hospital or Out-pensioners, and in the Support or Extension of the present School in Repton, or of other Establishments for Education in Repton or Etwall.

Repeal of Acts.

21. When the First Code of such Laws, Constitutions, and Ordinances receives the Sanction of the Charity Commissioners, it shall be lawful therewith, and as Part thereof, to declare that the Private Acts of Parliament (5 Geo. IV. c. 38, and 6 and 7 William IV. c. 21), which now regulate this Charity, are wholly repealed, and the same shall be wholly repealed accordingly; provided, that this Repeal shall not affect the Validity or Invalidity of anything already done or suffered, or any Remedy or Proceeding in respect thereof.

Question to be referred to Charity Commissioners.

22. If any Doubt or Question arises as to the proper Construction or Application of any of the Provisions of this Scheme, the Hereditary Governors, Trustees, or other Persons interested in the Charity shall apply to the Charity Commissioners for England and Wales for the Direction of the Board thereon, and all Parties shall be bound by such Direction when given; but it shall be lawful for the Charity Commissioners to refer the Parties to the ordinary Tribunals of Justice if they are of opinion that a more satisfactory Decision of the Question will thereby be obtained.

Court of Chancery and Charity Commissioners to have Power to alter Scheme.

23. The Court of Chancery and the Board of Charity Commissioners for England and Wales shall respectively have the same Power of altering this Scheme and framing new Schemes as they would have under their ordinary Jurisdiction if this Scheme were made by an Order of the Court of Chancery or of the said Board instead of being enacted by Parliament.

Sir J. Port's Charity.

A

B I L L

For confirming a Scheme of the Charity Commissioners for the Charity called Sir John Port's Hospital in Etwall and School in Repton in the County of Derby.

(Prepared and brought in by Lord Robert Montagu and Mr. Adderley.)

Ordered, by The House of Commons, *to be Printed,* 9 *May* 1867.

[Bill 144.] *Under* 2 *oz.*

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

FOR

Confirming a Scheme of the Charity Commissioners for the Charity called Sir John Port's Hospital in Etwall and School in Repton in the County of Derby.

WHEREAS the Charity Commissioners for England and Wales, in their Report to Her Majesty of their Proceedings during the Year One thousand eight hundred and Sixty-six, have reported that they have provisionally approved and certified a Scheme for Sir John Port's Hospital in Etwall and School in Repton in the County of Derby, and such Scheme is set out in the Appendix to their said Report: Preamble. 14th Report, dated 27th Feb. 1867.

And whereas it is expedient that the said Scheme, as the same is amended and set out in the Schedule to this Act, should be confirmed:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. The said Scheme, as amended and set forth in the Schedule, shall be confirmed and take effect. Scheme confirmed.

SCHEDULE.

SCHEME.

Commencement of Scheme.

1. This Scheme shall be finally established and come into full Operation upon the final passing of the Order of the Charity Commissioners appointing a Portion of the First Body of Trustees to be made as herein-after mentioned.

Dissolution of Corporation and Court of Management.

2. Upon the final Establishment of this Scheme the existing Corporation, called the "Master, Schoolmaster, Ushers, Poor Men, and Poor Scholars of the "Hospital and Free School of Sir John Port, Knight, in Etwall and Repton, "otherwise Reppingdon, of the Foundation of the said Sir John Port," shall be dissolved, and the Court of Management thereof abolished. Thenceforth

Establishment of Trustees.

the Management and Control of the said Hospital and School and of all the Possessions thereof shall be vested in a Body of Trustees, who shall be called "Sir John Port's Trustees," and the legal Estate in all Lands and Hereditaments belonging to or held in trust for the Charity shall vest in "The Official Trustee of Charity Lands" and his Successors in trust for "Sir John Port's Trustees."

Vesting of Personal Estate.

3. All the Personal Estate and Effects of the Charity shall vest in the Official Trustees of Charitable Funds in trust for Sir John Port's Trustees.

Power of Sale as to Personal Estate.

4. It shall be lawful for the Trustees, with the Consent of the Charity Commissioners, to sell any Portion of the Personal Estate and Effects of the Charity either by Public Auction or Private Contract, and upon Payment of the Purchase Money the Official Trustees of Charitable Funds shall assign such Personal Estate as may be so sold to the Purchaser or Purchasers thereof freed and discharged from any Trust for Sir John Port's Trustees, and the Proceeds of such Sale shall be applied in manner herein provided.

First Trustees.

5. The First Members of the Body of Trustees shall be the Three Hereditary Governors of the Hospital and School, namely,—

The Most Noble Henry Weysford Charles Plantagenet Marquis of Hastings,

The Right Honourable George Philip Cecil Arthur Earl of Chesterfield, and Sir Robert Tolver Gerard, Baronet;

Sir John Harpur Crewe, Baronet, as Heir of John Harpur, Esquire, mentioned in the subsisting Charter;

The Reverend David Crawford Cochrane, M.A., in right and during Tenure of his Office of Master of the Hospital in Etwall; and Seven other Persons resident within Twenty Miles of the Schoolhouse at Repton:

Provided that no Person, except as aforesaid, deriving any Emolument from the Funds of the Charity shall be eligible to become or to act as a Trustee.

6. The

6. The First Trustees shall be appointed as follows:—Within Three Calendar Months after the Act confirming this Scheme has received the Royal Assent the Hereditary Governors shall appoint Three Trustees duly qualified as aforesaid; the other Four shall be appointed by order of the Charity Commissioners. If the Hereditary Governors neglect to appoint Three Trustees within the said Term of Three Months, so many Places as they neglect to fill shall be filled by order of the Charity Commissioners. If any of the Hereditary Governors or Sir John Harpur Crewe decline to act under this Scheme, his Place shall be filled by order of the Charity Commissioners.

Future Trustees.

7. The Hereditary Governors and the Heir for the Time being of John Harpur shall, if willing to accept and competent to act in the Trust, be always Members of the Body of Trustees. The remaining Trustees shall consist of Seven Persons duly qualified as aforesaid, of whom Three shall be appointed by the Hereditary Governors, and the remaining Four shall, after the First Appointment, be appointed by the general Body of Trustees with the Sanction of the Charity Commissioners.

If Governors or Heir of John Harpur incompetent to act, or fail to appoint, the general Body shall fill Vacancies in the Trust.

8. If any of the Hereditary Governors or the Heirs of John Harpur declines or is incompetent to be a Trustee, or if the Hereditary Governors omit for the Space of Six Calendar Months after the Vacation of Office by any of the Trustees appointed by them to replace such Trustees, the Power of appointing Trustees to fill all such vacant Places shall be exercised by the general Body of Trustees with the Sanction of the Charity Commissioners; provided always, that any of the Hereditary Governors or the Heir of John Harpur having been incompetent to act, and having become freed from such Incompetency, shall be entitled to act as a Trustee, though the Number may be thereby temporarily increased.

Vacancies in the Trust.

9. The Office of Trustee shall become vacant as to all the appointed Trustees on their Resignation or Bankruptcy, or on their ceasing to reside within Twenty Miles of the School-house in Repton, or their Refusal or Incapacity or Omission for a Period of Two consecutive Years to act.

Rights to vest in Trustees.

10. All Rights, Privileges, and the full Benefit of all subsisting Covenants, Conditions, and Securities made, reserved, or belonging to the existing Corporation or Court of Management, or to any Person in trust for them, and all Personal Estate and Right to sue for and recover all Rents, Choses in Action, and Monies belonging to or recoverable for the Benefit of the said Institutions, or either of them, shall immediately and from Time to Time vest and continue vested in "Sir John Port's Trustees" for the Time being, and the Right to sue upon or enforce all or any Covenants, Conditions, and Securities made, reserved, or contracted to or with the said Corporation or Court of Management before their Dissolution or Abolition, or to or with any preceding Members thereof, shall be exerciseable in the Name of "Sir John Port's Trustees" as fully and effectually as the same might have been exercised by and in the Name of such Corporation, Court of Management, or Members thereof, if this Scheme had not been established.

Advowson of Willington.

11. Upon the final Establishment of this Scheme the Advowson of Willington shall be sold, and the Proceeds of such Sale shall vest in Official Trustees of Charitable Funds, and their Successors, in trust for Sir John Port's Trustees, and shall be applied in the Manner herein-after directed.

Sale of the Advowson of Willington.

12. So soon as conveniently may be after this Scheme shall come into operation, the Trustees of the Charity, with the Concurrence of the Charity Commissioners, shall sell the Advowson of Willington, either by Public Auction or Private Contract, and upon Payment of the Purchase Money the Official Trustee of Charity Lands shall convey the said Advowson to the Purchaser thereof, or to such Person as he may appoint, freed and discharged from any Trust for Sir John Port's Trustees.

Foundation of Schools at Repton and Etwall.

13. The Proceeds of the Sale of the Advowson of Willington, together with such further Part of the Funds of the Charity as may be required for such Purposes, shall be applied, in conjunction with such Grant as shall be made by the Committee of the Privy Council on Education, to the Erection of Two Schoolhouses with Masters Residences, one to be situated in Repton and the other in Etwall.

Power to purchase Land for Schools.

14. It shall be lawful for the Trustees to purchase Land or Buildings in Repton and Etwall or either of them for the Purposes of providing School-houses, and Houses for the Masters of the said Schools, or, at their Option, it shall be lawful for the Trustees to appropriate any Land or Buildings held in trust for the Charity at Repton or Etwall to such Purposes or any of them, and all Lands that may be purchased under this Provision shall vest in the Official Trustee of Charity Lands and his Successors in trust for "Sir John Port's Trustees."

Sale of the Hospital.

15. Upon receiving the Request in Writing of a Majority of the Trustees, of which Two shall be Hereditary Governors, the Official Trustee of Charity Land shall sell the Hospital and its Appurtenances, either by Public Auction or Private Contract, and upon Receipt of the Purchase Money shall convey the said Hospital and its Appurtenances to the Purchaser, or to such Person as he may appoint, freed and discharged from any Trust for Sir John Port's Trustees.

The Proceeds of the Sale of the Hospital.

16. The Proceeds of the Sale of the said Hospital, if and when the same shall be made, shall be invested in the Names of the Official Trustees of Charitable Funds, in trust for Sir John Port's Trustees, and the Income thereof shall be applied in the Manner herein-before provided with regard to surplus Income.

Appointments how to be filled up.

17. The Hereditary Governors shall have the Right of appointing the Head Master of the School and the Two Ushers thereof as heretofore, and the Sixteen Almsmen and Eight poor Scholars shall be appointed by the said Governors and the Heir of the said John Harpur as heretofore. All such Appointments shall be made within a reasonable Time.

No Lapse to Judge of Assize.

There shall be no Lapse of the Right of Appointment to the Judge of Assize, as provided by the Private Act of Parliament, Fifth George the Fourth, Chapter Thirty-eight, for regulating the Affairs of this Charity; but during Vacancies the Trustees shall make such Provision as seems to them expedient for the due Conduct of the School.

Power to appoint Almswomen instead of Almsmen.

18. It shall be lawful for the Hereditary Governors and the Heir of John Harpur for the Time being, if they shall think fit, from Time to Time, under special Circumstances of Indigence or Infirmity, to appoint Almswomen instead of Almsmen: Provided always, that the total Number of such Almsmen and Almswomen together shall not at any One Time exceed Sixteen: And the Word "Almsmen" in this Scheme shall include "Almswomen."

19. The

Duties of the Master of Hospital.

19. The present Master of the Hospital shall discharge such Functions as may be imposed on him by any Laws, Constitutions, or Ordinances made under the Authority herein-after conferred.

Upon the next Vacancy of the Office of Master of the Hospital the said Office shall cease and determine, and no further Appointment thereunto shall be made, and the Emolument of such Office shall thenceforth be applied in the Manner herein-after directed.

Trustees to have Management,

20. The Trustees shall have the general Management of the whole Property of the Charity, with such Power and Authorities as the Law confers on Trustees managing Property belonging to Charities.

and make Laws, Constitutions, and Ordinances.

21. The Trustees shall from Time to Time, and as Circumstances require, subject to the Approval of the Board of Charity Commissioners for England and Wales, frame Laws, Constitutions, and Ordinances for the Conduct and Management of all Matters connected with the Administration of their Trust, and its Possessions and Affairs, including the Regulation of their own Proceedings, and also for the Government and Conduct of the Almsmen and School, and existing Free School at Etwall, and of all the Officers and Beneficiaries of the Charity.

Specifically as to free Education;

22. In framing such Laws, Constitutions, and Ordinances for the Government and Conduct of the said School it shall be lawful for them, with the Approval aforesaid, to make such Regulations or Restrictions respecting any Privileges of free Education which may be claimed by or be desirable to be conferred upon Residents in Repton, Etwall, or elsewhere, as may be most for the Benefit of the said Residents and School; provided that no such Laws, Constitutions, or Ordinances shall prevent or interfere with the Exercise of the Right of the Hereditary Governors and the Heir of John Harpur to appoint poor Scholars as heretofore.

and as to Area for Selection of Almsmen and Residence and Attendance at Church.

23. In framing such Laws, Constitutions, and Ordinances for the Regulation of the said Hospital and Almsmen, it shall be lawful for the Trustees, with the Approval aforesaid, to provide that the Almsmen shall be relieved from the Obligation to reside in the Hospital, or to attend Divine Service in Etwall Church, and that the Master may be relieved from his Obligation to reside in the Hospital, or to perform Divine Service in Etwall Church, and to make such Regulations concerning these several Matters as from Time to Time shall appear to be required by Circumstances.

Removal of Beneficiaries.

24. The Trustees shall have the Power of removing or depriving of the Benefit of the Charity for Misbehaviour, or other just and sufficient Cause, any Person now receiving or hereafter appointed to receive the Benefit of the Charity; provided always, that such Removal shall be made with the Sanction of the Charity Commissioners.

Existing Rights preserved.

25. No Laws, Constitutions, or Ordinances made under the Authority of this Scheme shall, except as herein expressly provided, have the Effect of placing any existing Member of the Corporate Body in a worse Position with respect to his Emoluments and Privileges, or, without his own Consent, in any different Position, than he now holds under the present Constitution of the Charity.

Surplus Income.

26. After answering all the Expenses of Management, the Income of the Foundation shall be applied to the Support of One School at Repton and One School at Etwall for the Poor in connexion with the Committee of the Privy Council on Education, and next according to the Laws, Constitutions, and Ordinances to be made as aforesaid, in such Proportions and Manner as shall be deemed most for the Benefit of the Institutions, in the Support or Increase of either the Hospital or Out-Pensioners, and in the Support or Extension of the present School in Repton.

Repeal of Acts.

27. When the First Code of such Laws, Constitutions, and Ordinances receives the Sanction of the Charity Commissioners, it shall be lawful therewith, and as Part thereof, to declare that the Private Acts of Parliament (5 Geo. IV. c. 38. and 6 and 7 William IV. c. 21.) which now regulate this Charity are wholly repealed, and the same shall be wholly repealed accordingly; provided that this Repeal shall not affect the Validity or Invalidity of anything already done or suffered, or any Remedy or Proceeding in respect thereof.

Sir J. Port's Charity.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

For confirming a Scheme of the Charity Commissioners for the Charity called Sir John Port's Hospital in Etwall and School in Repton in the County of Derby.

(Prepared and brought in by Lord Robert Montagu and Mr. Adderley.)

Ordered, by The House of Commons, *to be Printed, 2 July* 1867.

[Bill 217.] *Under* 1 *oz.*

A

B I L L

TO

Remove certain Restrictions on the Negotiation of Promissory Notes and Bills of Exchange under a limited Sum.

WHEREAS it is expedient to make permanent certain Provisions now in force, but which will expire at the End of the next Session of Parliament, for removing certain Restrictions on the Negotiation of Promissory Notes and Bills of Exchange under a limited Sum: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble. 26 & 27 Vict. c. 105. 27 Vict. c. 20.

1. From and after the *passing of this Act*, the Act passed in the Seventeenth Year of the Reign of King George the Third, Chapter Thirty, and so much and such Part and Parts of any other Act or Acts as continue or revive the said Act, or as prohibit or restrain, or impose any Penalty for or on account of the publishing, uttering, or negotiating in England of any Promissory or other Note, not being a Note payable to Bearer on Demand, Bill of Exchange, Draft, or Undertaking in Writing, being negotiable or transferable, for the Payment of Twenty Shillings, or above that Sum and less than Five Pounds, or on which Twenty Shillings, or above that Sum and less

The 17 G. 3. c. 30., &c. restraining Negotiation in England of Notes and Bills for a limited Sum, repealed.

than Five Pounds, shall remain undischarged, made, drawn, or endorsed in any other Manner than as directed by the said Act of the Seventeenth Year aforesaid, and also so much and such Parts of an Act passed in the Eighth and Ninth Years of Her Majesty's Reign, Chapter Thirty-seven, as prohibits the drawing, making, and issuing, or restrains or imposes any Penalty for or on account of the publishing, uttering, or negotiating in Ireland of any Promissory or other Note (not being a Note payable to Bearer on Demand), Bill of Exchange, Draft, or Undertaking in Writing, being negotiable or transferable, for the Payment of Twenty Shillings, or above that Sum and less than Five Pounds, or on which Twenty Shillings, or above that Sum and less than Five Pounds, shall remain undischarged, made, drawn, or endorsed in any other Manner than is directed by the said Act, or which requires or directs that all such Notes, Bills, Drafts, or Undertakings as aforesaid which shall be issued in Ireland shall be made, drawn, or endorsed according to the Forms contained in the Schedules to the said Act, and also the Seventeenth Section and Schedules (C.) and (D.) of an Act passed in the Eighth and Ninth Years of Her Majesty's Reign, Chapter Thirty-eight, requiring or directing that all such Notes, Bills, Drafts, or Undertakings as aforesaid which shall be issued in Scotland shall be made, drawn, or endorsed according to the Forms contained in the said Schedules respectively, shall be and the same is and are hereby repealed.

And so much of 8 & 9 Vict. c. 37. as prohibits or restrains the Negotiation in Ireland of Notes and Bills under 5*l.* repealed.

And Sect. 17 and Sched. (C.) and (D.) of 8 & 9 Vict. c. 38. restricting Negotiation of like Notes, &c. in Scotland, repealed.

2. For all Purposes this Act may be cited as the "Promissory Notes and Bills of Exchange Act, 1867."

Short Title of the Act.

Promissory Notes and Bills of Exchange.

A

BILL

To remove certain Restrictions on the Negotiation of Promissory Notes and Bills of Exchange under a limited Sum.

(*Prepared and brought in by Sir Colman O'Loghlen and Mr. Pim.*)

Ordered, by The House of Commons, *to be Printed* 2 *July* 1867.

[Bill 224.]

Under 1 *oz.*

A

B I L L

TO

Alter and amend the Act of the Ninth George the Fourth, Chapter Eighty-one, intituled "An "Act for making Promissory Notes payable, "issued by Banks, Banking Companies, or "Bankers in Ireland, at the Places where they "are issued."

WHEREAS by the Act of the Ninth of George the Fourth, Chapter Eighty-one, intituled "An Act for making "Promissory Notes issued by Banks, Banking Com- "panies, or Bankers in Ireland payable at the Places where they "are issued," Banks of Issue in Ireland are prohibited from issuing Notes at any other Place or Places than the Place or Places where the same are respectively made payable : Preamble. 9 G. 4. c. 81.

And whereas by the Act of the Eighth and Ninth of Victoria, Chapter Thirty-seven, intituled "An Act to regulate the Issue of "Bank Notes in Ireland, and to regulate the Repayment of certain "Sums advanced by the Governor and Company of the Bank of "Ireland for the Public Service," Banks of Issue in Ireland are prohibited under Penalties as therein from issuing their Notes in excess of the average Amount of the Circulation of such Banks respectively

respectively for the Year preceding the First Day of May One thousand eight hundred and forty-five, save and except such Excess is represented by an equal average Amount of Gold or Silver Coin, as by the said last-mentioned Act provided, held by such issuing Bankers respectively at certain Places, not exceeding Four for any One Bank, to be certified to the Commissioners of Stamps and Taxes:

And whereas it is expedient to alter and amend the Act of the Ninth George the Fourth, Chapter Eighty-one, so as to enable any Banker at present authorized by Law to issue Bank Notes in Ireland, at certain Times and under certain Conditions, to make the same payable only at the Place or Places in Ireland where the Account of Gold or Silver Coin held by such Banker is taken by the Commissioners of Stamps and Taxes:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Amendment of recited Act so as to permit extended Issue of Notes in certain Cases.

1. That from and after the *passing of this Act* the Ninth George the Fourth, Chapter Eighty-one, shall be altered and amended to the Extent that it shall and may be lawful for any Banker at present authorized to issue Notes in Ireland, whenever and so often as such Banker's Circulation being in Excess of the average Amount certified for the Year preceding the First Day of May One thousand eight hundred and forty-five such Excess of Issue is represented by an equal Amount of Gold or Silver Coin held at the Places at which the Account thereof is taken under the Provisions of the Eighth and Ninth Victoria, Chapter Thirty-seven, to issue his Notes in any Part of Ireland, payable only at the Places or One of them where such Account is taken, provided One such Place shall be within the City of Dublin.

Promissory Notes (Ireland).

A

BILL

To alter and amend the Act of the Ninth George the Fourth, Chapter Eighty-one, intituled "An Act for making "Promissory Notes payable, issued "by Banks, Banking Companies, or "Bankers in Ireland, at the Places "where they are issued."

(*Prepared and brought in by Mr. M'Kenna and Mr. Brady.*)

Ordered, by The House of Commons, *to be Printed*, 25 *March* 1867.

[Bill 90.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act to simplify the Forms of Prorogation during the Recess of Parliament.

WHEREAS it is desirable to simplify the Forms now used in the Prorogation of Parliament during its Recess:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Her Majesty may issue Proclamation for the Prorogation of Parliament.

1. Whenever (save as herein-after excepted) Her Majesty, Her Heirs or Successors, shall be pleased, by and with the Advice of the Privy Council of Her Majesty, Her Heirs or Successors, to issue Her or their Royal Proclamation to prorogue Parliament from the Day to which it shall then stand summoned or prorogued to any further Day being not less than Fourteen Days from the Date thereof, such Proclamation shall, without any subsequent Issue of a Writ or Writs Patent or Commission under the Great Seal of the United Kingdom, be a full and sufficient Notice to all Persons whatever of such the Royal Intention of Her Majesty, Her Heirs and Successors, and the Parliament shall thereby stand prorogued to the Day and Place in such Proclamation appointed,

notwithstanding any former Law, Usage, or Practice to the contrary.

Not to apply to Prorogation at Close of a Session.

2. This Act shall not apply to the Case of the Prorogation of Parliament at the Close of a Session.

Prorogation of Parliament. [H.L.]

A

BILL

INTITULED

An Act to simplify the Forms of Prorogation during the Recess of Parliament.

(*Brought from the Lords* 23 *July* 1867.)

Ordered, by The House of Commons, to be *Printed*, 24 *July* 1867.

[Bill 277.]

Under 1 *oz.*

Public Health (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clauses.
1. Short Title.
2. Repeal of certain Acts.
3. Interpretation.
4. Incorporation of Lands Clauses Acts.

PART I.

Local Authority and Board of Supervision.

5. As to Local Authorities to execute Act.
6. Where District in more than One County.
7. Local Authorities Incorporated Committee may be appointed.
8. Local Authority to appoint Sanitary Inspectors and other Officers.
9. Powers of Board of Supervision to require Returns and examine Witnesses.
10. Board may authorize Special Inquiries to be made.
11. Board may appoint Commissioners for conducting Special Inquiries.
12. Board may allow Expenses of Witnesses.
13. Penalties on Parties giving false Evidence or refusing to obey Summons of Board.
14. Power of Board to appoint Clerks.
15. New Members and Salaries of Board of Supervision.

PART II.

Removal of Nuisances.

16. Description of Nuisances under this Act.
17. Power of Entry to Local Authority or their Officers.

Clauses.
18. Proceedings of Local Authority when Nuisances are ascertained to exist.
19. Form of Interlocutor.
20. Penalty for Contravention of Decree and Interdict.
21. Order when Structural Works are required.
22. Local Authority to do Works on Owner's or Occupier's Default, or if Person causing Nuisance cannot be found.
23. Manure, &c. to be sold.
24. Foul Ditches, &c. may be replaced by Sewers.
25. Act not to affect Navigation of Rivers or Canals or Irrigation of Lands.
26. Penalty on Sale of unwholesome Meat.
27. Penalty for causing Water to be corrupted by Gas Washings, &c.
28. Such Penalties, &c. to be sued for within Six Months.
29. Daily Penalty during the Continuance of the Offence.
30. Offensive Trades to be subject to Regulations.

PART III.

Prevention and Mitigation of Diseases under Order in Council.

31. Privy Council empowered to issue Orders for Prevention of Diseases.
32. When Order is issued, Board of Supervision to be vested with certain Powers.
33. Board may issue Regulations to carry out such Provisions of Order.
34. Orders of Council, Directions and Regulations of Board, to be laid before Parliament.
35. Matters to be provided for by such Regulations.
36. Power for Local Authority, &c. to enter Premises.
37. When Order in Council in force, overcrowded Houses to come under Common Lodging Houses Provisions.
38. Order in Council to extend to Parts and Arms of the Sea.

PART IV.

General Prevention and Mitigation of Diseases.

39. Power to provide Hospitals.
40. Power to provide Means of Disinfection, and Carriages for Conveyance of infected Persons.
41. Local

Clauses.
41. Local Authority may erect public Waterclosets, &c.
42. Removal of Persons sick of infectious Disorders, and without proper Lodging in any District.
43. Places for the Reception of dead Bodies may be provided at the Public Expense.
44. In Cities or Towns, Local Authority may make Regulations as to Lodging Houses, with Consent of the Board.
45. Rules as to underground Dwellings.
46. Penalty on letting underground Dwellings.
47. Cases in which Two Convictions have occurred within Three Months.
48. Penalty on Person suffering from infectious Disease entering public Conveyance without notifying to Driver that he is so suffering.
49. Penalty on any Person with infectious Disorder exposing himself, or on any Person in charge of such Sufferer causing such Exposure.
50. Penalty on Persons letting Houses in which infected Persons have been lodging.
51. Periodical Removal of Manure in Mews, &c.
52. Provision as to Ships within the Jurisdiction of Local Authority.
53. Provision as to District of Local Authority extending to Places where Ships are lying.
54. Medical Officer of Parish to be allowed to charge for attending Sick on board any Vessel, and to be paid by Captain.
55. Power to remove to Hospital sick Persons brought by Ships.
56. Description of Vessels within Provisions of 6 Geo. 4. c. 78.
57. Power to reduce Penalties imposed by 6 Geo. 4. c. 78.
58. Power to provide public Walks or Pleasure Grounds.

PART V.

Regulation of Common Lodging Houses.

59. Common Lodging Houses to be registered.
60. No Lodger to be received in Common Lodging House till it has been inspected and registered.
61. Evidence of Register.
62. Power of Local Authority to make Rules and Regulations respecting Common Lodging Houses.

Clauses.
63. Such Rules and Regulations when confirmed, to be printed, and furnished gratis to Keepers of Lodging Houses.
64. Power to Local Authority to require an additional Supply of Water to Common Lodging Houses.
65. Power to Local Authority to order Reports from Keepers of Common Lodging Houses.
66. Local Authority may remove sick Persons from Common Lodging Houses to Hospitals, &c.
67. As to giving Notice of Fever, &c. occurring in Common Lodging Houses.
68. As to Inspection of Common Lodging Houses.
69. As to cleansing of Common Lodging Houses.
70. Conviction for Third Offence to disqualify Persons from keeping Common Lodging Houses.

PART VI.

Sewers, Drains, and Water Supply.

71. Sewers to be vested in Local Authority.
72. Power to purchase Sewers.
73. Power to make Sewers.
74. Powers for utilizing Sewage.
75. Power of Entry.
76. Formation of Special Drainage District.
77. Power to drain into Sewers of Local Authority.
78. Use of Sewers by Persons beyond District.
79. Penalty for making unauthorized Drains.
80. Estimates for Work.
81. Not to build over Sewers.
82. Sewers to be trapped.
83. Distilleries, &c. to deposit Refuse.
84. Drain discharging below High-water Mark.
85. As to Drainage of Houses.
86. Power of borrowing for Sewers.
87. Local Authorities may combine.
88. Supply of Water.
89. House without Supply of Water.
90. Water for Baths, &c.
91. Cisterns, &c. to be supplied with Water.

Clauses.
92. Special Water Supply District.
93. Power to borrow.
94. 25 & 26 Vict. c. 101.
95. Execution and Maintenance of Works as to Water Supply.

PART VII.

Assessments.

96. Expense incurred by Special Drainage District to be paid.
97. Expense incurred by Special Water Supply District to be paid.
98. As to Expenses incurred in executing the Act.

PART VIII.

Enforcement of Procedure under this Act.

99. Procedure if Local Authority neglect its Duty under this Act.
100. Provision for Refusal or Neglect of Local Authority.
101. Procurator Fiscal may sue by Directions of the Board.
102. Duties of Local Authorities as to Inspection of Nuisances, &c.
103. Local Authority may require Payment of Costs or Expenses from Owner or Occupier, and Occupier paying to deduct from Rent.
104. Penalty for wilful Damage of Works.
105. Appearance of Local Authorities in legal Proceedings.
106. Receiving of Penalties.
107. Powers of Act cumulative.
108. Form of Application to the Sheriff.
109. No writtem Pleadings, &c. allowed.
110. Appeal in certain Cases.
111. No Appeal otherwise. Proceedings under Act not subject to Review.
112. Justices being Members of Local Authority may act.
113. Service of Notices, Petitions, and Orders.
114. Proof of Resolutions of Local Authority and Board.
115. One or more Joint Owners may be proceeded against alone.
116. Penalty on Occupier obstructing Owner.
117. Penalty for violating Act or obstructing its Execution.
118. Works of Distribution of Sewage to be deemed a Land Improvement.

 119. Com-

119. Compensation to be made.
120. Convictions not void from Want of Form, &c.
121. Local Authority or Board not liable for Irregularity of their Officers.
122. As to Forms to be used.
123. Exemption from Stamp Duties.
124. Police Constables to aid in executing Act.
125. Act not to impair Right of Action, &c.

SCHEDULE.

A

B I L L

TO

Consolidate and amend the Law relating to the Public Health in Scotland.

WHEREAS it is expedient to consolidate and amend the Laws applicable to Scotland for Removal of Nuisances, for Prevention of Diseases, and for Sanitary Purposes generally: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Preliminary.

1. This Act may be cited for all Purposes as the "Sanitary Act (Scotland), 1867." Short Title.

2. From and after the *passing of this Act* the Nuisances Removal (Scotland) Act, 1856, and Sections 441 to 447, both inclusive, of the General Police and Improvement (Scotland) Act, 1862, and also the Sewage Utilization Act, 1865, and the Sanitary Act, 1866, so far as these Two last-mentioned Acts apply to Scotland, are repealed: Provided always, that all Proceedings commenced or taken under the said Acts or any of them, and not yet completed, may be proceeded with under the said Acts or any of them, or this Act; and all Orders in Council, and all Directions and Regulations issued Repeal of 19 & 20 Vict. c. 103. and Sections of 25 & 26 Vict. c. 101. 28 & 29 Vict. c. 75., 29 & 30 Vict. c. 90.

issued by the Board of Supervision under the said Acts or any of them, and all Appointments made, and all Contracts or Works undertaken, and generally all Claims, Rights, and Liabilities, Civil or Criminal, constituted or existing under the said Acts, before the passing of this Act, with the Remedies and Proceedings applicable thereto under the said Acts or this Act, shall continue and be as effectual as if the said Acts had not been repealed.

Interpretation of certain Terms.

3. In this Act the following Words and Expressions shall have the Meanings herein-after assigned to them, unless such Meaning is inconsistent with the Context:

The Word "Board" shall signify the Board of Supervision for the Relief of the Poor in Scotland:

The Word "Secretary" shall include Assistant Secretary:

The Expression "Medical Officer" shall signify a duly qualified Medical Practitioner appointed under the Act Eighth and Ninth Victoria, Chapter Eighty-three (Relief of the Poor), or this Act:

The Word "Sheriff" shall include Sheriff Substitute:

The Word "Decree" or "decern" shall include any Warrant, Order, or Interlocutor:

The Word "Owner" shall signify the Person for the Time entitled to receive, or who would if the same were let be entitled to receive, the Rents of the Premises, and shall include a Trustee, Factor, Tutor, or Curator, and in case of Public or Municipal Property shall apply to the Persons to whom the Management thereof is intrusted:

The Word "Premises" shall include Lands, Buildings, Streams, Lakes, or Places open, covered, or inclosed, public or private:

The Word "Person," and Words applying to any Person or Individual, shall apply to and include Women, Corporations, Clubs, Societies, Statutory Boards, Joint Stock Companies, and Partnerships:

The Expression "Author of a Nuisance" shall signify the Person through whose Act or Default the Nuisance is caused, exists, or is continued, whether he be the Owner or Occupier, or both:

The Expression "Common Lodging House" shall signify a House or Part thereof where Lodgers are housed at an Amount not exceeding Fourpence per Night for each Person, whether the same be payable nightly or weekly, or at any Period not longer than a Fortnight:

The Expression "Keeper of a Common Lodging House" shall include any Person having or acting in the Care and Management of a Common Lodging House.

4 "The

4. "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall, for the special Purposes herein-after mentioned, be incorporated with and form Part of this Act. Incorporation of Lands Clauses Acts.

PART I.

Local Authority and Board of Supervision.

5. The following Bodies shall respectively be the Local Authority to execute this Act in the Districts hereunder stated in Scotland: As to Local Authorities to execute this Act.

In Places within the Jurisdiction of any Town Council, and not subject to the Jurisdiction of Police Commissioners or Trustees as after mentioned, the Town Council:

In Places within the Jurisdiction of Police Commissioners or Trustees exercising the Functions of Police Commissioners under any General or Local Act, the Police Commissioners or Trustees:

In any Parish, or Part thereof, over which the Jurisdiction of a Town Council or of Police Commissioners or Trustees exercising the Functions of Police Commissioners does not extend, the Parochial Board of such Parish:

Provided always, that where any Parish shall be partly within and partly beyond the Jurisdiction of a Town Council and of Police Commissioners or Trustees, and of a Parochial Board, or of any Two or more of such Bodies, the Board, if Application be made to them by any of these Bodies, or any Person having Interest, may, if they see fit, determine which of the said several Bodies shall be the Local Authority within the whole Limits of such Parish, and the Board may from Time to Time recal or vary such Determination; and provided further, that all Determinations already made under the Fifth Section of the Nuisances Removal (Scotland) Act, 1856, shall be valid and effectual till recalled or varied under this Act. Board of Supervision to determine the Local Authority in Parishes not wholly within the Jurisdiction of a Town Council, &c.

6. Where any Parish, Burgh, or Town shall be situated in more than One County, the Board shall, on Application being made to them by any Person having Interest, determine in which One of such Counties such Burgh or Town shall be held to be situated for the Purposes of this Act, whose Decision shall be final; and the Jurisdiction and Powers of Justices and Sheriffs, and the Powers of their Officers under this Act, shall be regulated accordingly, and the Board may from Time to Time recal or vary such Determination; provided always, that all Determinations already made under the Where District in more than One County.

Fifth Section of the Nuisances Removal (Scotland) Act, 1856, shall be valid and effectual till recalled or varied under this Act.

Local Authorities to be Bodies Corporate. Committees may be appointed.

7. The Local Authorities shall respectively be Bodies Corporate, designated by such Names as they may usually bear or adopt, with Power to sue and be sued in such Names, and to hold Lands for the Purposes of this Act; and the Local Authority may appoint any Committee or Committees of their own Body to receive Notices, take Proceedings, and in all or certain specified respects execute this Act, whereof Two shall be a Quorum, unless a larger Quorum be specified in their Appointment; and such Local Authority or their Committee, thereto duly authorized, may, by Order in Writing signed by the Chairman of such Body or Committee, empower any Officer or Person to make Complaints and take Proceedings on their Behalf; and all Acts done or Proceedings taken by or against such Committee or Officer or Person shall be as valid as if they were done by or taken in the Name of all the Members of the Local Authority; and the Local Authority shall have Power to commence or carry on all Proceedings commenced, or which might have been commenced before the passing of this Act, by the Local Authority under any of the before repealed Acts, and shall be vested with all Property or pecuniary Claims so vested in such last-mentioned Local Authority.

Local Authority to appoint Sanitary Inspectors and other Officers.

8. The Local Authority may, and where it shall be thought necessary by the Board for the Purposes of this Act, they shall appoint a Sanitary Inspector or Inspectors, and an Inspector or Inspectors of Common Lodging Houses, and a Medical Officer or Medical Officers, and may make Byelaws for regulating the Duties of such Inspectors and Medical Officers, and shall appoint convenient Places for their Offices, and shall allow to every such Inspector or Medical Officer on account of his Employment a proper Salary; and if no such Inspector or Medical Officer is appointed the Local Authority shall, in all Cases in which any Duty is laid on them by this Act, appoint some Person, where the same shall be necessary, to perform such Duty, and shall remunerate him as they shall see fit; and the Names and Addresses and Salaries of the said Inspectors and Medical Officers shall be reported by the Local Authority to the Board immediately on such Persons being appointed and such Salaries fixed; and the said Byelaws shall not be effectual until they are approved of by the Board; and the said Inspectors and Medical Officer shall be bound to make such Returns and Special Reports to the Board as the Board shall require them to make, and shall only be removable from Office by the Board.

9. It

Powers of the Board of Supervision to require Returns and examine Witnesses.

9. It shall be lawful for the Board to inquire into the Sanitary Condition of every Parish or Burgh in Scotland; and for this Purpose the Board is hereby empowered to make Inquiries, and require Answers or Returns to be made to the Board upon any Question or Matter connected with or relating to the Purposes of this Act, and also by a Summons, signed by One of their Number or by the Secretary, to require the Attendance of all such Persons as they may think fit to call before them upon any such Question or Matter, and to administer Oaths to and examine upon Oath all such Persons, and to require and enforce the Production upon Oath of all Books, Contracts, Agreements, Accounts, and Writings, or Copies thereof respectively, in anywise relating to any such Question or Matter, or in lieu of requiring such Oath as aforesaid, the Board may, if they think fit, require any such Person to make and subscribe a Declaration of the Truth of the Matters respecting which he shall have been or shall be so examined.

Board may authorize Special Inquiries to be made.

10. It shall and may be lawful for the said Board, whenever it may seem fitting to them, to authorize and empower for a limited Time One of the Members thereof to conduct any Special Inquiry in any Part of Scotland, and to report thereon to the Board; and such Member so authorized and empowered shall be entitled to summon and examine on Oath Witnesses and Havers, and to exercise all such other of the Powers by this Act given to the Board as may be necessary for conducting such Inquiry, and such Member shall be reimbursed by the Board of all Expenses necessarily incurred by him in conducting such Inquiry, and such Expenses shall be deemed Part of the Expenses attending the Execution of this Act, and be paid accordingly.

Board may appoint Commissioners for conducting Special Inquiries.

11. It shall and may be lawful for the Board, whenever it may seem fitting to them, with the Consent of One of Her Majesty's Principal Secretaries of State or of Her Majesty's Advocate for Scotland, or whenever the Board may be thereunto required by One of Her Majesty's said Secretaries of State or Her Majesty's said Advocate, to appoint some Person, not being a Member of the Board, but being a Member of the Faculty of Advocates, or a duly qualified Medical Practitioner, or an Architect or Surveyor or Engineer, or Two or more of such Persons, to act as a Commissioner or Commissioners for the Purpose of conducting any Special Inquiry for a Period not exceeding Forty Days, and to report thereon; and the Board shall delegate to every Person so appointed for the Purpose of conducting such Inquiry, all such of the Powers of the Board as they may deem necessary or expedient for summoning or examining Witnesses and Havers, and otherwise conducting such Inquiry;

and every such Appointment shall be subject to the Approval of One of Her Majesty's said Secretaries of State or of Her Majesty's said Advocate; and every Person so appointed as aforesaid to conduct any Special Inquiry shall, before he enter on the Execution of his Duties, take an Oath de fideli administratione officii, which Oath may be administered to him by any Member of the Board, or any One of the Judges of the Court of Session, or the Sheriff of any County; and it shall not be necessary to notify the Appointment of any such Commissioner otherwise than by intimating the same by Letter under the Hand of the Secretary, or of any Member of the Board, to the Sheriff of the County within which the Inquiry in question is to be made; and every such Commissioner shall be reimbursed by the Board for all Expenses necessarily incurred by him in conducting such Inquiry, and shall also receive such reasonable Remuneration for his Time and Trouble as may have been agreed upon between him and the said Board, and approved of by Her Majesty's said Secretary of State or Advocate; and failing of any such Agreement, the Amount of the Remuneration shall be fixed by the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or by such Person or Persons as he or they shall name.

Board may allow Expenses of Witnesses, &c.

12. It shall be lawful for the said Board, in any Case where they see fit, to order and allow such Expenses of Witnesses, and such Expenses of or concerning the Production of any Books, Contracts, Agreements, Accounts, or Writings, or Copies thereof, to or before the said Board or Commissioner, as such Board may deem reasonable; and such Expenses so ordered and allowed shall be deemed Part of the incidental Expenses attending the Execution of this Act, and be paid accordingly.

Penalties on Parties giving false Evidence or refusing to obey Summons of the Board.

13. If any Person, upon any Examination on Oath under the Authority of this Act, shall wilfully give false Evidence, he shall be deemed guilty of Perjury, and shall be liable to the Pains and Penalties thereof; and in case any Person shall wilfully refuse to attend in obedience to any Summons of the Board, or Member or Commissioner authorized or appointed by the Board as aforesaid, or to give Evidence, or shall wilfully refuse to produce any Books, Contracts, Agreements, Accounts, and Writings, or Copies of the same, which may be required to be produced before the Board, or Member or Commissioner, or shall wilfully neglect or disobey any of the Orders of the Board, or Member or Commissioner, or be guilty of any Contempt of the Board, or Member or Commissioner, such Person being thereof lawfully convicted, shall forfeit and pay for the First Offence any Sum not exceeding *Five Pounds*; for the Second

Second and every subsequent Offence any Sum not exceeding *Twenty Pounds* nor less than *Five Pounds.*

Power of Board to appoint Clerks, &c.

14. The Board is hereby empowered from Time to Time to appoint all such Officers and Clerks as they shall deem necessary, and from Time to Time, at the Discretion of the Board, to remove such Officers and Clerks, or any of them, and to appoint others in their Stead; provided that the Amount of the Salaries of such Officers and Clerks shall from Time to Time be regulated by the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, or of any Three or more of them; and the Name of every Person so appointed or removed as aforesaid shall forthwith be intimated to One of Her Majesty's Principal Secretaries of State for his Approval, who shall be understood to approve of such Appointment or Removal, if no Notice to the contrary be received by the Board within *Twenty-one Days* from the Day of the Date of such Intimation.

Salaries of Board of Supervision.

15. The Sheriffs of Perth, Renfrew, and Ross and Cromarty shall each receive, so long as they act as Members of the Board of Supervision, the Sum of *One hundred and fifty Pounds* Sterling per Annum, and such Allowance shall come in place of the Allowance of One hundred Pounds Sterling provided to the said Sheriffs by the Act Eighth and Ninth of Her Majesty, Chapter Eighty-three, Section Four.

PART II.

Removal of Nuisances.

Description of Nuisances under this Act.

16. The Word "Nuisance" under this Act shall include—

(*a.*) Any Insufficiency of Size, Defect of Structure, Defect of Ventilation, Want of Repairs, Want of proper Drainage, or other Matter or Circumstance rendering any inhabited House, Building, or Part thereof, unwholesome for the Inmates or unfit for Human Habitation:

(*b.*) Any Pool, Watercourse, Ditch, Gutter, Drain, Sewer, Privy, Urinal, Cesspool, or Ashpit so foul as to be injurious to Health, or any Well or other Water Supply used as a Beverage or in Human Food, the Water of which is so tainted with Impurities or otherwise unwholesome as to be injurious to the Health of Persons using it, or calculated to promote or aggravate epidemic Disease:

(*c.*) Any Animal so kept as to be injurious to Health:

(*d.*) Any Accumulation or Deposit of Manure or other offensive Matter within Fifty Yards of any Dwelling House within the Limits of any Burgh, or wherever situated, if offensive or injurious to Health:

(*e.*) Any Work, Manufactory, Trade, or Business offensive or injurious to the Health of the Neighbourhood, or so conducted as to be offensive or injurious to Health:

(*f.*) Any House or Part of a House so overcrowded as to be dangerous or prejudicial to the Health of the Inmates:

(*g.*) Any Factory, Workshop, or Workplace not under the Operation of any General Act for the Regulation of Factories or Bakehouses, and not kept in a cleanly State, or not ventilated in such a Manner as to render harmless as far as practicable any Gases, Vapours, Dust, or other Impurities generated in the course of the Work carried on therein that are injurious or dangerous to the Health of Persons employed therein, or so overcrowded while Work is carried on as to be dangerous or prejudicial to the Health of those employed therein:

(*h.*) Any Fireplace or Furnace which does not as far as practicable consume the Smoke arising from the Combustible used in such Fireplace or Furnace, and is used within any of the Places to which the Acts of the Twentieth and Twenty-first of Her Majesty, Chapter Seventy-three, and of the Twenty-fourth of Her Majesty, Chapter Seventeen, apply, for working Engines by Steam, or in any Mill, Factory, Dyehouse, Brewery, Bakehouse, or Gaswork, or in any Manufactory or Trade Process whatsoever:

(*i.*) Any Chimney (not being the Chimney of a private Dwelling House) sending forth Smoke, so as to be offensive or injurious to Health:

Provided, that in Places where at the Time of the passing of this Act no Enactment is in force compelling Fireplaces or Furnaces to consume their own Smoke, the foregoing Enactment as to Fireplaces and Furnaces consuming their own Smoke shall not come into operation until the Expiration of One Year from the Date of the passing of this Act:

(*j.*) Any Churchyard, Cemetery, or Place of Sepulture so situated or so crowded with Bodies, or otherwise so conducted as to be offensive or injurious to Health.

Power of Entry to Local Authority or

17. If the Local Authority or Sanitary Inspector have reasonable Grounds for believing that Nuisance exists in any Premises, such Local Authority or Inspector may demand Admission for themselves

themselves and the Superintendent of Police, and the Medical Officer or any other Person or Persons whom the Local Authority may desire to inspect such Nuisance, or for any or all of them, to inspect the same at any Hour between Nine in the Morning and Six in the Evening, or at any Hour when the Business suspected to give rise to the Nuisance is in progress or is usually carried on; and if Admission be refused, the Local Authority or Inspector may apply to the Sheriff, or any Magistrate or Justice of the Peace having Jurisdiction in the Place, stating on Oath such Belief; and such Sheriff, Magistrate, or Justice may, by Order in Writing, require the Occupier or Person having the Custody of such Premises to admit the Local Authority and others foresaid; and if such Occupier or Person refuse or fail to obey such Order, he shall on Conviction of such Offence be liable to a Penalty not exceeding *Five Pounds;* and on being satisfied of such Failure or Refusal, the Sheriff or any Justice may grant Warrant to such Person or Persons for immediate forcible Entry into the Premises; and if no such Occupier or Person can be discovered, or if no Person is found on the Premises to give or refuse Admission, the Local Authority or their Officers may enter the Premises without any Order or Warrant. their Officers.

18. In any Case where the Existence of a Nuisance is ascertained to their Satisfaction by the Local Authority, or is certified to them in Writing, signed by the Medical Officer, or where the Nuisance in the Opinion of the Local Authority did exist at the Time when Demand of Admission was made or the Certificate was given, and although the same may have been since removed or discontinued, is in their Opinion likely to recur or to be repeated, they may apply to the Sheriff, by summary Petition in manner herein-after directed, and if it appear to his Satisfaction that the Nuisance exists, or if removed or discontinued since the Demand of Admission was made or the Certificate was given, that it is likely to recur or to be repeated, he shall decern for the Removal or Remedy or Discontinuance or Interdict of the Nuisance, as herein-after mentioned; provided that in the Cases under the Heads marked (*e.*) and (*g.*) in Section Sixteen such Application shall be made only on Medical Certificate as aforesaid, or on a Requisition in Writing under the Hands of any *Ten* Inhabitants of the District. Proceedings by Local Authority when Nuisances are ascertained to exist.

19. It shall not be necessary to restrict such Decree to any special Remedy prayed for in the Petition, but, as the Case shall require, the Author of the Nuisance or Owner of the Premises may be ordained to provide sufficient Privy or Watercloset or Ashpit Accommodation, Means of Drainage or Ventilation for, or to repair, Form of Interlocutor.

make safe, and habitable, or to pave, cleanse, whitewash, disinfect, or purify, the Dwelling House, Building, or Premises, or to drain, empty, cleanse, fill up, cover, repair, or remove any Pool, Ditch, Gutter, Watercourse, Privy, Cesspool, Drain, or Ashpit, or to shut up or purify any Well, or to provide a Substitute for that complained of, or to remove the Animal, or to carry away the offensive Matter, or to discontinue the Work, Trade, Manufactory, or Business, or prevent the injurious Effects thereof (according to the Nature of the Case), or to limit the Number of Persons who may be accommodated in any House or Part thereof overcrowded, or the Number of separate Dwellings into which such House or Part thereof may be divided or let for the Use of separate Families or Persons, or to increase the Means of Ventilation, or to shut up or regulate the Use of any Churchyard, Cemetery, or Place of Sepulture, or to do such other Works or Acts as are necessary to remove the Nuisance complained of, in such Manner and within such Time as in the Interlocutor shall be specified; and if the Sheriff is of Opinion that such or the like Nuisance is likely to recur, he may further grant Interdict against the Recurrence of it, or do otherwise, as the Case may in his Judgment require; and if the Nuisance proved to exist be such as to render a House or Building in the Judgment of the Sheriff unfit for Human Habitation, he may prohibit the using thereof for that Purpose until it is rendered fit for that Purpose in his Judgment, or do otherwise as the Case may in his Judgment require.

Penalty for Contravention of Decree and of Interdict.

20. If the said Decree be not complied with in good and sufficient Manner, and within the Time appointed, the Author of the Nuisance, or the Owner, as the Case may be, shall be liable, in the Case of Nuisances specified in Clauses (*a.*), (*b.*), (*c.*), (*d.*), (*f.*), (*i.*), and (*j.*) in Section Sixteen of this Act, to a Penalty of not more than *Ten Shillings* per Day during his Failure so to comply; and if the said Interdict be knowingly infringed by the Act or Authority of the Owner or Occupier, such Owner or Occupier shall be liable for every such Offence to a Penalty not exceeding *Twenty Shillings* per Day during such Infringement; and in the Case of Nuisances specified in Clauses (*e.*), (*g.*), and (*h.*) in the said Section, the Party not complying with or infringing such Decree shall be liable to a Penalty not exceeding *Five Pounds* nor less than *Two Pounds* for the First Offence, and of *Ten Pounds* for the Second, and for each subsequent Conviction a Sum double the Amount of the Penalty in the last preceding Conviction, but no Penalty shall exceed *Two hundred Pounds:* Provided always, in the Case of such last-mentioned Nuisance (*h.*), that if it appears to the Sheriff that the best Means then known to be available for mitigating the Nuisance,

or

or the injurious Effects thereof, have not been adopted, he may suspend his final Determination, upon condition that the Author of the Nuisance shall undertake to adopt within a reasonable and definite Time such Means as he shall judge to be practicable, and order to be carried into effect, for mitigating or preventing such injurious Effects.

Order when structural Works are required.

21. When it shall appear to the Sheriff that the Execution of structural Works is required for the Removal or Remedy of a Nuisance, he may appoint such Works to be carried out under the Direction and subject to the Approval of any Person he may appoint; and he may, before making his Order, require the Local Authority, within a Time to be specified by him, to furnish him with an Estimate of the Cost of the required Works.

Local Authority to do Works on Owner's or Occupier's Default, or if Person causing Nuisance cannot be found.

22. In case of Noncompliance with or Infringement of any Decree aforesaid, the Sheriff may, on Application by the Local Authority, grant Warrant to enter the Premises to which such Decree relates, and remove or remedy the Nuisance thereby condemned or interdicted, and do whatever may be necessary in execution of such Decree; or if in the original Application it appears to his Satisfaction that the Author of the Nuisance is not known or cannot be found, then such Decree may at once ordain the Local Authority to execute the Works thereby directed; and all Expenses incurred by the Local Authority in executing the Works may be recovered from the Author of the Nuisance or the Owner of the Premises.

Manure, &c. to be sold.

23. Any Thing removed by the Local Authority in pursuance of of this Act may be sold by Public Roup, after not less than *Five Days* Notice by printed Handbills posted in the Locality, except in Cases where Delay would be prejudicial to Health, when the Sheriff, Magistrate, or Justice may order the immediate Removal, Destruction, or Sale of the Thing, and the Proceeds of the Sale shall be retained by the Local Authority, and applied pro tanto in Payment of all Expenses incurred under this Act with reference to such Nuisance, and the Surplus, if any, shall be paid on Demand by the Local Authority to the Owner of such Thing, by whom or by the Author of the Nuisance the Balance of such Expenses shall be defrayed if such Proceeds are insufficient for that Purpose.

Foul Ditches, &c. may be replaced by Sewers.

24. Whenever any Watercourse, Ditch, Gutter, or Drain along the Side of any public Road or Street shall be used or partly used for the Conveyance of any Water, Sewage, or other Matter from any Premises, and cannot in the Opinion of the Local Authority be rendered

dered free from Foulness or offensive Smell without the laying down of a Sewer or of some other Structure, such Local Authority shall and they are hereby required, subject to the Approval of the Board, to lay down such Sewer or other Structure within the Limits of their District, or where necessary for the Purpose of Outfall or Distribution of Sewage, without their District, and to keep the same in good and serviceable Repair, and may enter any Premises for such Purposes, and use such Part thereof as shall be necessary, and for such Use shall pay such Damages as may be assessed by the Sheriff on a summary Application, and to such Party as the Sheriff may direct; and such Local Authority are hereby authorized and empowered to assess all the Premises from which then or at any Time thereafter any Material other than pure Water is carried into the said Sewer or other Structure, for Payment of all Expenses incurred in making and maintaining the same, and that either in One Sum or in Instalments, or as a perpetual Burden, as they shall think just and reasonable, and after *Fourteen Days* Notice at the least left on the Premises so assessed, to levy and collect the Sums so assessed, in the same Manner, and with the same Remedies in case of Default in Payment thereof, as the Prison Assessment is by the Law in force for the Time being leviable and collectable, and with the same Right and Power of Appeal against the Amount of such Assessment as by the Law for the Time being in force are given against such Prison Assessment.

Act not to affect Navigation of Rivers or Canals, or Irrigation of Lands.

25. Nothing in this Act contained shall enable any Local Authority or other Person to injuriously affect the Navigation of any River or Canal, or the Irrigation of Lands in Rural Districts, or to divert or diminish any Supply of Water of Right belonging to any such River or Canal, or used for the Irrigation of Lands in Rural Districts.

Penalty on Sale of unwholesome Meat.

26. The Sanitary Inspector may at all reasonable Times enter any Premises to inspect and examine any Carcass, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables exposed for Sale, or which there is probable Cause for believing to be intended for Human Food; and in case any such Carcass, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables appear to him to be unfit for such Food, the same may be seized; and if it appear to any Justice of the Peace or Magistrate that any such Carcass, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables is unfit for the Food of Man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for Sale or used for such Food; and the Person to whom such Carcass, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables belongs, or in whose Custody the same is found, shall

shall be liable to a Penalty not exceeding *Ten Pounds* for every Carcass, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, or for the Parcel of Fruit or Vegetables.

Penalty for causing Water to be corrupted by Gas Washings, &c.

27. Any Person engaged in the Manufacture of Gas, Naphtha, Vitriol, Paraffine, or Dye Stuffs, or any other deleterious Substance, or in any Trade in which the Refuse produced in any such Manufacture is used, who shall at any Time cause or suffer to be brought or to flow into any Stream, Reservoir, Aqueduct, Well, or Pond, or Place for Water, constructed for the Supply of Water for domestic Purposes, or into any Drain communicating therewith, any Washing or other Substance produced in any such Manufacture, or shall wilfully do any Act connected with any such Manufacture, whereby the Water in any such Stream, Reservoir, Aqueduct, Well, Pond, or Place for Water shall be fouled, and any Person who shall wilfully do or permit to be done any Act whereby the Water in any Stream, Reservoir, Aqueduct, Well, Pond, or Place constructed for the Supply of Water for domestic Purposes shall be fouled, shall forfeit for every such Offence a Sum not exceeding *Fifty Pounds*.

Such Penalties, &c. to be sued for within Six Months.

28. Such Penalty may be recovered, with Expenses, by the Person into whose Water such Washing or other Substance shall be conveyed or shall flow, or whose Water shall be fouled by any such Act as aforesaid, or in default of Proceedings by such Person, after Notice to him from the Local Authority of their Intention to proceed for such Penalty, or if there be no such Person, by the Local Authority; but such Penalty shall not be recoverable unless it be sued for during the Continuance of the Offence, or within *Six Months* after it shall have ceased.

Daily Penalty during the Continuance of the Offence.

29. In addition to the said Penalty (and whether such Penalty shall have been recovered or not), the Person so offending shall forfeit a Sum not exceeding *Five Pounds* (to be recovered in the like Manner) for each Day during which such Washing or other Substance shall be brought or shall flow as aforesaid, or during which the Act by which such Water shall be fouled shall continue, after the Expiration of *Twenty-four* Hours from the Time when Notice of the Offence shall have been served on such Person by the Local Authority, or the Person into whose Water such Washing or other Substance shall be brought or flow, or whose Water shall be fouled thereby, and such Penalty shall be paid to the Parties from whom such Notice shall proceed; and all Monies recovered by the Local Authority under this or the preceding Section shall, after Payment of any Damage caused by the Act for which the Penalty

is imposed, be applied towards defraying the Expenses of executing this Act.

Offensive Trades to be subject to Regulations.

30. The Business of a Blood Boiler, Bone Boiler, Tanner, Slaughterer of Cattle, Horses, or Animals of any Description, Soap Boiler, Skinner, Tallow Melter, Tripe Boiler, or other noxious or offensive Business, Trade, or Manufacture shall not, after the passing of this Act, be newly established in any Building or Place within any Burgh or Town or Village, or within *Five hundred Yards* therefrom, without the Consent in Writing of the Local Authority previously had and obtained, and published in One or more Newspapers circulating within the District; and if any Question arises under this Section as to the Existence or Limits of a Town or Village, or as to the Extent included within the said *Five hundred Yards*, or as to whether a Business, Trade, or Manufacture is noxious or offensive, or as to whether such Consent ought to have been given, any such Question shall be finally determined by the Board, and the Party dissatisfied may bring the same before the Board within *Twenty-one Days* after the Resolution or Order of the Local Authority has been published as aforesaid; and any Person contravening this Enactment shall be liable for each Offence to a Penalty not exceeding *Fifty Pounds*, and a further Penalty of not exceeding *Forty Shillings* for each Day during which the Offence is continued; and the Local Authority may from Time to Time make such Byelaws with respect to any such Businesses so newly established as they may think necessary, and in order to prevent or diminish the noxious or injurious Effect thereof.

PART III.

Prevention and Mitigation of Diseases under Order in Council.

Privy Council empowered to issue Orders for Prevention of Diseases.

31. Whenever any Part of the United Kingdom appears to be threatened with or is affected by any formidable epidemic, endemic, or contagious Disease, the Lords and others of Her Majesty's most Honourable Privy Council, or any Three or more of them (the Lord President of the Council or One of Her Majesty's Principal Secretaries of State being One), may, by Order or Orders by them from Time to Time made, direct that the Provisions for the Prevention of Diseases contained in Part III. hereof be put in force in Scotland, or in such Parts thereof or in such Places therein as in such Order or Orders may be expressed, and may from Time to Time, as to all or any of the Parts or Places to which any such Order or Orders extend, and in like Manner, revoke or renew any such Order; and, subject to Revocation and Renewal as aforesaid, every such Order shall

shall be in force for Six Calendar Months, or for such shorter Period as in such Order shall be expressed; and every such Order of Her Majesty's Privy Council or any Members thereof as aforesaid shall be certified under the Hand of the Clerk in Ordinary of Her Majesty's Privy Council, and shall be published in the Edinburgh Gazette, and such Publication shall be conclusive Evidence of such Order.

When Order is issued, Board of Supervision to be vested with certain Powers.

32. When any such Order has been issued, the Board of Supervision in Scotland shall be vested with the Powers after provided; and it shall be lawful for Her Majesty to appoint the Sheriff of any County in Scotland, other than Renfrew, Perth, or Ross, to be an additional Member of the Board during the Subsistence of such Order, and such Sheriff shall receive such Remuneration as the Commissioners of Her Majesty's Treasury may think proper, not exceeding *One hundred and fifty Pounds* per Annum, to be paid out of Money to be voted for that Purpose by Parliament; and the Board may also appoint a General or Superintending Medical Officer to act under their Directions during such Period, and such Officer shall receive a Salary to be fixed and paid in like Manner; and the Board may, with the Sanction of the said Commissioners of Her Majesty's Treasury, employ such additional Clerks as may be necessary during such Period; and the Salary of such Clerks and the Office Expenses incurred under this Act shall be defrayed in the same Manner as the general Expenses of the Board are now defrayed.

Power to appoint a appoint a Medical Officer and additional Clerks.

Board may issue Regulations to carry out such Provisions of Order.

Local Extent and Duration of the Regulations of the Board.

33. From Time to Time, after the issuing of any such Order as aforesaid, and whilst the same continues in force, the Board may issue such Directions and Regulations as they shall think fit for the Prevention, as far as possible, or Mitigation of such epidemic, endemic, or contagious Diseases, and from Time to Time may revoke, renew, and alter any such Directions and Regulations; and the same shall extend to all Parts or Places in which the Provisions of this Act for the Prevention and Mitigation of Disease shall, for the Time being, be put in force under such Orders as aforesaid, unless such Directions and Regulations be expressly confined to some of such Parts or Places, and then to such Parts or Places as therein are specified; and (subject to the Power of Revocation and Alteration herein contained) such Directions and Regulations shall continue in force so long as the said Provisions of this Act shall, under such Order, be applicable to the same Parts or Places; and all such Directions and Regulations shall be published by being inserted in the Edinburgh Gazette, which Publication shall be conclusive Evidence thereof, and may be further published, and may be

Publication of Rules and Regulations.

specially communicated to any Local Authority, by the Secretary of the Board, as the Board may direct.

Orders of Council, Directions and Regulations of Board, to be laid before Parliament.

34. Every Order of Her Majesty's Privy Council, and Direction and Regulation of the Board under Part III. of this Act, shall be laid before both Houses of Parliament forthwith upon the issuing thereof, if Parliament be then sitting, and if not then within Fourteen Days next after the Commencement of the then next Session of Parliament.

Matters to be provided for by such Regulations.

35. The Board, by such Directions and Regulations, may provide,

For the speedy Interment of the Dead:

For House to House Visitation:

For the dispensing of Medicines, and for affording to Persons afflicted by or threatened with such epidemic, endemic, or contagious Diseases such Medical Aid and such Accommodation as may be required:

For any such Matters or Things as may to them appear advisable for preventing or mitigating such Diseases:

Local Authority shall execute and may direct Prosecution for violating Regulations.

And the Local Authority shall superintend and see to the Execution of such Directions and Regulations, and shall do and provide all such Acts, Matters, and Things as may be advisable for mitigating such Disease, or for superintending or aiding in the Execution of such Directions and Regulations, or for executing the same, as the Case may require, and may direct any Prosecutions or legal Proceedings for or in respect of the wilful Violation or Neglect of any such Directions and Regulations.

Power for Local Authority, &c. to enter Premises.

36. The Local Authority acting in the Execution of such Directions and Regulations, or the Officers or Persons by them in this Behalf authorized, may enter at reasonable Times in the Daytime and inspect any Premises where they have Ground for believing that any Person has recently died of any such Disease, or that Necessity may otherwise exist for executing in relation to the Premises any of such Directions and Regulations.

When Order in Council in force, overcrowded Houses to come under Common Lodging Houses Provisions.

37. When any such Order in Council is in force in any Place, on the Certificate of a Sanitary Inspector, or of a Medical Officer, or of Two duly qualified Medical Practitioners, or other sufficient Evidence, that any House or Part of a House is so overcrowded as to be dangerous to Health, the Local Authority shall have Power to regulate the same according to the Provisions of this Act in reference to Common Lodging Houses.

38. All

38. All Orders in Council for executing this Act shall extend to Parts and Arms of the Sea lying within the Jurisdiction of the Admiralty, and adjacent to the Places to which such Orders relate; and the Board may issue, under the said Orders, Directions and Regulations for cleansing, purifying, ventilating, and disinfecting, and preventing Disease in Ships and Vessels, as well upon Arms and Parts of the Sea aforesaid as upon inland Waters.

Order in Council to extend to Parts and Arms of the Sea.

PART IV.

General Prevention and Mitigation of Disease.

39. The Local Authority may, with the Sanction of the Board, provide within its District Hospitals or temporary Places for the Reception of the Sick, for the Use of the Inhabitants.

Such Authority may itself, with the Sanction of the Board, build such Hospitals or Places of Reception, or make Contracts for the Use of any existing Hospital or Part of an Hospital, or for the temporary Use of any Place for the Reception of the Sick.

It may, with the Sanction of the Board, enter into any Agreement with any Person or Body of Persons having the Management of any Hospital for the Reception of the sick Inhabitants of its District, on Payment by the Local Authority of such annual or other Sum as may be agreed upon.

Two or more Local Authorities having respectively the Power to provide separate Hospitals may, with the Sanction of the Board, combine in providing a Common Hospital, and all Expenses incurred by such Authorities in providing such Hospital shall be deemed to be Expenses incurred by them respectively in carrying into effect the Purposes of this Act; and such Common Hospital shall be deemed to be for the Purposes of this Act an Hospital within the District of each of the Local Authorities so combining.

Power to provide Hospitals.

40. The Local Authority in each District may provide a proper Place, with all necessary Apparatus and Attendance, for Disinfection of Woollen or other Articles, Clothing, or Bedding which have become infected, and they may cause any Articles brought for Disinfection to be disinfected free of Charge; and it shall be lawful at all Times for the Local Authority to provide and maintain a Carriage or Carriages suitable for the Conveyance of Persons suffering under any contagious or infectious Disease, and to pay the Expense of conveying any Person therein or otherwise to a Hospital or Place for the Reception of the Sick or to his own Home.

Power to provide Means of Disinfection, and Carriages for Conveyance of infected Persons.

Local Authority may erect public Waterclosets, &c.

41. The Local Authority may erect such public Waterclosets, Privies, and Urinals, and in such Situations as they may think fit, and may defray the Expense thereof, and of keeping the same in Repair and in good Order, and shall cause such Privies to be cleansed daily; and the Local Authority may also, by written Notice to the Owner or Occupier of any Schoolhouse or Factory, or Building in which more than *Ten Persons* are employed at One Time in any Manufacture, Trade, or Business, require them or either of them, within a Time specified, to construct a sufficient Number of Waterclosets or Privies for the separate Use of each Sex; and any Person failing to comply with such Notice shall be liable for each Offence in a Penalty not exceeding *Twenty Pounds*.

Removal of Persons sick of infectious Disorders, and without proper Lodging, in any District.

42. Where a Hospital or Place for the Reception of the Sick is provided or exists within the District of a Local Authority, the Sheriff or any Magistrate or Justice may, on the Application of the Local Authority, with the Consent of the Superintending Body of such Hospital or Place, by Order on a Certificate signed by a legally qualified Medical Practitioner, direct the Removal to such Hospital or Place for the Reception of the Sick, at the Cost of the Local Authority, of any Person suffering from any dangerous, contagious, or infectious Disorder, being without proper Lodging or Accommodation, or lodged in a Room occupied by others besides those in attendance on such Person, or being on board any Ship or Vessel, or may direct the Removal from the Room occupied by such Person of all others not in attendance on him, the Local Authority providing suitable Accommodation for such other Persons.

Places for the Reception of dead Bodies may be provided at the Public Expense.

43. Any Local Authority may provide a proper Place for the Reception of dead Bodies, and where any such Place has been provided, and any dead Body of One who has died of any infectious Disease is retained in a Room in which Persons live or sleep, or any dead Body which is in such a State as to endanger the Health of the Inmates of the same House or Room is retained in such House or Room, the Sheriff or any Magistrate or Justice may, on a Certificate signed by a legally qualified Medical Practitioner, order the Body to be removed to such proper Place of Reception at the Cost of the Local Authority, and direct the same to be buried within a Time to be limited in such Order; and unless the Friends or Relations of of the Deceased undertake to bury the Body within the Time so limited, and do bury the same, it shall be the Duty of the Local Authority to bury such Body; and it shall also be the Duty of the Local Authority to bury any dead Body found within the District, and which is unclaimed, or which no sufficient Person undertakes

Burial of dead Bodies.

to

to bury; but any Expense so incurred in regard to any such Burial may be recovered by the Local Authority in a summary Manner from any Person legally liable to pay the Expense of such Burial.

In Cities or Towns, the Local Authority may make Regulations as to Lodging Houses, with Consent of the Board.

44. The Local Authority of any City or Town containing, according to the Census for the Time being in force, a Population of not less than *Three thousand* Inhabitants, may, after Publication of the proposed Regulations in One or more Newspapers circulating in the District for One Month, make, with Consent of the Board, Regulations for all or any of the following Matters; that is to say,

1. For fixing the Number of Persons who may occupy a House or Part of a House which is let in Lodgings or occupied by Members of more than One Family:
2. For the Registration of Houses thus let or occupied in Lodgings:
3. For the Inspection of such Houses, and the keeping the same in a cleanly and wholesome State:
4. For enforcing therein the Provision of Privy Accommodation, or Watercloset Accommodation, and other Appliances and Means of Cleanliness in proportion to the Number of Lodgings and Occupiers, and the cleansing and Ventilation of the Common Passages and Staircases:
5. For the cleansing and limewhiting at stated Times of such Premises:
6. For the Enforcement of the above Regulations by Penalties not exceeding *Forty Shillings* for any One Offence, with an additional Penalty not exceeding *Twenty Shillings* for every Day during which a Default in obeying such Regulations may continue.

Rules as to underground Dwellings.

45. It shall not be lawful to let separately, except as a Warehouse or Storehouse, or to suffer to be occupied as a Dwelling Place, any Cellar whatsoever, or any Vault or underground Room (not being entirely open on One or other of its Sides), which Vault or Room shall be less in Height from the Floor to the Ceiling than *Seven Feet*, or which shall be less than One Third of its Height above the Level of the Street or Ground adjoining the same, or otherwise shall not have *Three Feet* at least of its Height from the Floor to the Ceiling above the said Level, with an open Area of *Two Feet Six Inches* wide from the Level of the Floor of such Vault or Room up to the Level of the said Street or Ground, or which shall not have appurtenant thereto the Use of a Watercloset or Privy and Ashpit, or which shall not also have a glazed Window made to open to the full Extent of the Half thereof, the Area of

which is not less than Nine Superficial Feet clear of the Frame, and a Fireplace with a Chimney or Flue, or which Vault or underground Room being an inner or back Vault or Cellar let or occupied along with a front Vault or Room, as Part of the same Letting or Occupation, has not a ventilating Flue (unless such inner or back Vault or Room shall be Part of a House built before the passing of this Act), or which shall not be well and effectually drained by means of a Drain, the uppermost Part of which is One Foot at least below the Level of the Floor of such Vault, Cellar, or Room, after the Local Authority have given Notice to the Owners thereof that the letting of such Cellars, Vaults, or underground Rooms as Dwelling Places is prohibited from that Time forth; and it shall be the Duty of the Local Authority to issue such Notices from Time to Time, as soon as is convenient, until such Notice has been given with respect to every Cellar, Vault, or underground Room occupied as a Dwelling House within the District; and it shall not be lawful, after such Notice, to let or continue to let, or to occupy or suffer to be occupied, separately, as a Dwelling House, any such Cellar, Vault, or underground Room.

Penalty on letting underground Dwellings.

46. Every Person who lets separately, or who knowingly suffers to be occupied for Hire as a Dwelling, any Vault, Cellar, or Room, contrary to the Provisions of this Act, shall be liable to a Penalty not exceeding *Twenty Shillings* for every Day during which such Vault, Cellar, or Room is so occupied after Conviction of the First Offence.

Cases in which Two Convictions have occurred within Three Months.

47. Where Two Convictions against the Provisions of this Act relating to the overcrowding of a House, or the Occupation of a Cellar, Vault, or underground Room as a separate Dwelling Place, shall have taken place within the Period of *Three Months*, whether the Person so convicted were or were not the same, it shall be lawful for the Sheriff or any Magistrate or Justice to direct the closing of such Premises for such Time as he may deem necessary, and in the Case of Cellars occupied as aforesaid, to empower the Local Authority to permanently close the same, in such Manner as they may deem fit.

Penalty on Person suffering from infectious Disorder entering public Conveyance without notifying to

48. If any Person suffering from any infectious Disorder shall enter any public Conveyance without previously notifying to the Owner or Driver thereof that he is so suffering, he shall, on Conviction thereof before any Sheriff, Magistrate, or Justice, be liable to a Penalty not exceeding *Five Pounds*, and shall also be ordered by such Justice to pay to such Owner and Driver all the Losses and Expenses they may suffer in carrying into effect the Provisions of this

this Act; and no Owner or Driver of any public Conveyance shall be required to convey any Person so suffering until they shall have been first paid a Sum sufficient to cover all such Losses and Expenses.

Driver that he is so suffering.

49. Any Person suffering from any infectious Disorder who wilfully exposes himself, without proper Precaution against spreading the said Disorder, in any Street, public Place, or public Conveyance, and any Person in charge of One so suffering who so exposes the Sufferer, and any Owner or Driver of a public Conveyance who does not immediately provide for the Disinfection of his Conveyance after it has, with the Knowledge of such Owner or Driver, conveyed any such Sufferer, and any Person who without previous Disinfection gives, lends, sells, transmits, or exposes any Bedding, Clothing, Rags, or other Things which have been exposed to Infection from such Disorders, shall, on Conviction of such Offence before the Sheriff or any Magistrate or Justice, be liable to a Penalty not exceeding *Five Pounds:* Provided that no Proceedings under this Section shall be taken against Persons transmitting with proper Precautions any such Bedding, Clothing, Rags, or other Things for the Purpose of having the same disinfected.

Penalty on any Person, with infectious Disorder, exposing himself, or on any Person in charge of such Sufferer causing such Exposure.

50. If any Person knowingly lets any House, Room, or Part of a House in which any Person suffering from any infectious Disorder has been to any other Person without having such House, Room, or Part of a House, and all Articles therein liable to retain Infection, disinfected to the Satisfaction of a qualified Medical Practitioner, as testified by a Certificate given by him, such Person shall be liable to a Penalty not exceeding *Twenty Pounds.* For the Purposes of this Section the Keeper of an Inn shall be deemed to let Part of a House to any Person admitted as a Guest into such Inn.

Penalty on Persons letting Houses in which infected Persons have been lodging.

51. Where Notice has been given by the Local Authority or their Officer or Officers for the periodical Removal of Manure or other refuse Matter from Mews, Stables, or other Premises (whether such Notice shall be by public Announcement in the Locality or otherwise), and subsequent to such Notice the Person or Persons to whom the Manure or other refuse Matter belongs shall not so remove the same, or shall permit a further Accumulation, and shall not continue such periodical Removal at such Intervals as the Local Authority or their Officer or Officers shall direct, he or they shall be liable, without further Notice, to a Penalty of not exceeding *Twenty Shillings* per Day for every Day during which such Manure

Periodical Removal of Manure in Mews, &c.

or other refuse Matter shall be permitted to accumulate, such Penalty to be recovered in a summary Manner.

Provision as to Ships within the Jurisdiction of Local Authority.

52. Any Ship or Vessel lying in any River, Harbour, or other Water shall be subject to the Jurisdiction of the Local Authority of the District within which such River, Harbour, or other Water is, and be within the Provisions of this Act in the same Manner as if it were a House within such Jurisdiction, and the Master or other Officer in charge of such Ship shall be deemed for the Purposes of this Act to be the Occupier of such Ship or Vessel; but this Section shall not apply to any Vessel of War belonging to Her Majesty or to any Foreign Government.

Provision as to District of Local Authority extending to Places where Ships are lying.

53. For the Purposes of this Act any Ship, Vessel, or Boat that is in a Place within Three Miles of the Coasts of Scotland, and not within the District of a Local Authority, shall be deemed to be within the District of such Local Authority as may be prescribed by the Board, and until a Local Authority has been prescribed then of the Local Authority whose District nearest adjoins the Place where such Ship, Vessel, or Boat is lying, the Distance being measured in a straight Line.

Medical Officer of Parish to be allowed to charge for attending Sick on board any Vessel, and to be paid by Captain.

54. Whenever, in compliance with any Regulation of the Board which they may be empowered to make under this Act, any Medical Officer shall perform any Medical Service on board of any Vessel, such Medical Officer shall be entitled to charge extra for any such Service, at the general Rate of his Allowance for his Services for the Parish or Place for which he is appointed, and such Charges shall be payable by the Captain of the Vessel on behalf of the Owners, together with any reasonable Expenses for the Treatment of the Sick; and if such Services shall be rendered by any Medical Practitioner who is not a Medical Officer, he shall be entitled to charge for any Service rendered on board, with extra Remuneration on account of Distance, at the same Rates as those which he is in the habit of receiving from private Patients of the Class of those attended and treated on Shipboard, to be paid as aforesaid; and in case such Charges be not paid, the Medical Officer or Practitioner may bring an Action against the Captain of such Vessel for the same, and the Vessel, Cargo, and Tackle shall be subject to a Lien for the Amount of such Charges.

Power to remove to Hospital sick Persons

55. Any Local Authority may, with the Sanction of the Board, lay down Rules for the Removal to any Hospital to which such Authority is entitled to remove Patients, and for keeping in such Hospital

Hospital so long as may be necessary, any Persons brought within their District by any Ship or Boat who are infected with an infectious Disorder, and they may by such Rules impose any Penalty not exceeding *Five Pounds* on any Person committing any Offence against the same.

brought by Ships.

56. Every Vessel having on board any Person affected with a dangerous or infectious Disorder shall be deemed to be within the Provisions of the Act of the Sixth Year of King George the Fourth, Chapter Seventy-eight, intituled "An Act to repeal the several "Laws relating to Quarantine, and to make other Provisions in "lieu thereof," although such Vessel has not commenced her Voyage, or has come from or is bound for some Place in the United Kingdom; and nothing in this Act contained shall interfere with or prevent the Execution of any Orders, Regulations, or Restrictions to be made by the Lords and others of Her Majesty's Privy Council pursuant to the said Act; and any Expenses incurred by any Local Authority in carrying into effect such Orders, Regulations, or Restrictions shall be deemed to be Expenses incurred by them in carrying into effect this Act.

Description of Vessels within Provisions of 6 G. 4. c. 78.

57. All Penalties imposed by the said Act of the Sixth Year of King George the Fourth, Chapter Seventy-eight, may be reduced by the Justices or Court having Jurisdiction in respect of such Penalties to such Sum as the Justices or Court think just.

Power to reduce Penalties imposed by 6 G. 4. c. 78.

58. The Local Authority, with the Sanction of the Board, may provide, maintain, lay out, plant, and improve Premises for the Purpose of being used as public Walks or Pleasure Grounds, and support or contribute towards any Premises provided for such Purposes by any Person whomsoever.

Power to provide public Walks or Pleasure Grounds.

PART V.

Regulation of Common Lodging Houses.

59. The Local Authority shall cause a Register to be kept, in which shall be entered the Names and Residences of the Keepers of all Common Lodging Houses within the District of the Local Authority, and the Situation of every such House, and the Number of Lodgers authorized according to this Act to be kept therein, and in each Apartment thereof; and the Local Authority may refuse to register as the Keeper of a Common Lodging House any Person who does not produce to the Local Authority a Certificate of

Common Lodging Houses to be registered.

Character, in such Form as the Local Authority shall direct, signed by Three Inhabitant Householders of the Parish respectively assessed for the Relief of the Poor of the Parish within which such Lodging House is situate; and the Local Authority may, from Time to Time, on the Approval of the Board, raise or diminish the Sum payable per Night, according to which, as herein-before mentioned, it is ascertained whether a House or Part thereof is a Common Lodging House, but so as not to exceed *Sixpence* per Night.

No Lodger to be received in Common Lodging House till it has been inspected and registered.

60. From and after the Date of the passing of this Act it shall not be lawful to keep or use as a Common Lodging House any House, not being a licensed Victualling House, or to receive or retain any Lodgers therein, unless such House shall have been inspected and approved for that Purpose by the Inspector of Common Lodging Houses for the District, and shall have been registered as by this Act provided.

Evidence of Register.

61. A Copy of an Entry made in a Register kept under this Act, purporting to be certified by the Person having the Charge of such Register to be a true Copy, shall be received in all Courts and on all Occasions whatsoever as Evidence, and shall be primâ facie Proof of all Things therein registered, without the Production of the Register, or of any Document, Act, or Thing on which the Entry is founded, or Proof of the Signature; and every Person applying at a reasonable Time shall be furnished by the Person having such Charge with a certified Copy of any such Entry for Payment of *Twopence*.

Power to Local Authority to make Rules and Regulations respecting Common Lodging Houses.

62. The Local Authority may from Time to Time make Rules and Regulations respecting Common Lodging Houses within its Jurisdiction, for the well ordering of such Houses, and for the Separation of the Sexes therein, and for fixing the Number of Lodgers which may be received in each such House, and in each Room therein, and for promoting the Cleanliness and Ventilation of such Houses, and with respect to the Inspection thereof, and the Conditions and Restrictions under which such Inspection may be made; and the said Local Authority may, by any such Rules and Regulations, impose upon Offenders against the same such reasonable Penalties as they shall think fit, not exceeding the Sum of *Five Pounds* for each Offence, and in the Case of a continuing Offence a further Penalty not exceeding the Sum of *Forty Shillings* for each Day after written Notice of the Offence from the said Local Authority; and the said Local Authority may alter or repeal any such Rules and Regulations: Provided always, that all such Rules and Regulations imposing

imposing any Penalty shall be so framed as to allow of the Recovery of any Sum less than the full Amount of the Penalty: Provided also, that such Rules and Regulations shall not be of any Force or Effect until the same be submitted to and confirmed by the Board, who are hereby empowered to confirm or disallow the same as they may think proper: Provided further, that no such Rules and Regulations shall be confirmed unless Notice of the Intention to apply for Confirmation of the same shall have been given in One or more of the public Newspapers usually circulated within the Parish or Place to which such Byelaws relate One Month at least before the making of such Application; and for One Month at least before any such Application a Copy of the proposed Rules and Regulations, in Writing, signed by the Chairman of the Meeting at which they were made, shall be kept at the Office or usual Place of Meeting of the Local Authority, and be open during Business Hours thereat for the Inspection of Parties assessed to the Relief of the Poor in such Parish or Place, without Fee, and the Local Authority shall cause every such Party assessed as aforesaid who shall apply for the same to be furnished with a Copy thereof, on Payment of *Sixpence* for every One hundred Words contained in such Copy.

Rules, &c. not to take effect until confirmed by the Board.

63. All such Rules and Regulations made by the Local Authority in pursuance of this Act shall, when confirmed as aforesaid, be printed, and hung up in the Office or usual Place of Meeting of the said Local Authority, and Copies thereof shall be furnished gratis to every Keeper of a Common Lodging House, and such Keeper shall be bound to keep a Copy thereof hung up in some conspicuous Place in each Room in which Lodgers are received, and Copies shall also be furnished to any Party assessed as aforesaid, upon Application; and Payment of *One Penny* each for the same; and a Copy of such Rules and Regulations, purporting to be signed by the Secretary of the Board, shall be received in Evidence of such Regulations, and of the duly making and confirming thereof, without Proof of the Signature.

Such Rules and Regulations, when confirmed, to be printed, and furnished gratis to Keepers of Lodging Houses.

64. Where it appears to the Local Authority that a Common Lodging House is without a proper Supply of Water for the Use of the Lodgers, and that such a Supply can be furnished thereto at a reasonable Rate, the Local Authority may, by Notice in Writing, require the Owner or Keeper of the Common Lodging House, within a Time specified therein, to obtain such Supply, and to execute all Works necessary for that Purpose; and if such Notice be not complied with accordingly, the Local Authority may remove the Common Lodging House from the Register until it be complied with.

Power to Local Authority to require an additional Supply of Water to Common Lodging Houses.

Power to Local Authority to order Reports from Keepers of Common Lodging Houses.

65. The Keeper of a Common Lodging House shall from Time to Time, if required by any Order of the Local Authority served on such Keeper, report to the Local Authority, or to such Person or Persons as the said Local Authority shall direct, every Person who resorted to such House during the preceding Day or Night, and for that Purpose Schedules shall be furnished by the Local Authority to the Persons so ordered to report, which Schedules they shall fill up with the Information required, and transmit to the Local Authority.

Local Authority may remove sick Persons from Common Lodging Houses to Hospitals, &c.

66. When a Person in a Common Lodging House is ill of Fever or any infectious or contagious Disease, the Local Authority may cause such Person to be removed to a Hospital or Infirmary, with the Consent of the Authorities thereof, where different from the Local Authority, and on the Certificate of the Medical Officer of the Parish, or of any qualified Medical Man, that the Disease is infectious or contagious, and that the Patient may be safely removed; and the Local Authority may, so far as they think requisite for preventing the Spread of Disease, cause any Clothes or Bedding used by such Person to be disinfected or destroyed, and may pay to the Owners of the Clothes and Bedding so disinfected or destroyed reasonable Compensation for the Injury or Destruction thereof; the Amount of such Compensation being first certified in Writing upon a List of such Articles.

As to giving Notice of Fever, &c. occurring in Common Lodging Houses.

67. The Keeper of a Common Lodging House shall, when a Person in such House is ill of Fever or any infectious or contagious Disease, give immediate Notice thereof either to the Medical Officer or to the Inspector of Common Lodging Houses, or the Inspector of the Poor of the Parish in which such Common Lodging House is situated, who shall forthwith inform the Local Authority and the Medical Officer that such Notice has been received, and thereupon the Medical Officer shall forthwith visit and report on the Case.

As to Inspection of Common Lodging Houses.

68. The Keeper of a Common Lodging House shall, at all Times when required by any Officer of the Local Authority, give him free Access to such House and every Part thereof.

As to cleansing of Common Lodging Houses.

69. The Keeper of a Common Lodging House shall thoroughly cleanse all the Rooms, Passages, Stairs, Floors, Windows, Doors, Wall, Ceilings, Privies, Ashpits, Cesspools, and Drains thereof, to the Satisfaction of the Inspector, and so often as shall be required by or in accordance with any Regulation of the Local Authority, and shall well and sufficiently, and to the like Satisfaction, lime-wash the Walls and Ceilings thereof in the First Week of each of the

the Months of April and October in every Year, and at such other Times as the Local Authority may by Special Order appoint or direct.

Conviction for Third Offence to disqualify Persons from keeping Common Lodging Houses.

70. Where a Keeper of a Common Lodging House is convicted of a Third Offence under this Act, it may be adjudged as the Punishment or Part of the Punishment for such Third Offence that he shall not, at any Time within *Five Years*, or any shorter Period after such Conviction, keep or have or act in the Care or Management of a Common Lodging House, without the previous Licence in Writing of the Local Authority, which Licence the Local Authority may withhold, or may grant on such Terms and Conditions as they think fit.

PART VI.

Sewers, Drains, and Water Supply.

Sewers to be vested in Local Authority.

71. All Sewers presently existing within a District, and not being private Property, or not being and continuing under the Management of Persons appointed by the Crown or by Act of Parliament, shall be vested in the Local Authority.

Power to purchase Sewers.

72. The Local Authority may purchase the Rights and Powers vested in any Person to make Sewers, or purchase or contract for the Use of any Sewer, or any Right in any Sewer, with or without the Buildings and other Things thereto pertaining; and any Entail Proprietor or other Person to whom such Rights, Powers, Sewers, or other Things belong, may dispose of the same to or contract regarding the same with the Local Authority; and in case of Sale, the Purchase Money shall be settled and applied to the same Uses and Trusts to which the Property sold was subject.

Power to make Sewers.

73. The Local Authority shall have Power to construct within their District, and also when necessary for the Purpose of Outfall or Distribution of Sewage, without their District, such Sewers as they may think necessary for keeping their District properly cleansed and drained, and may carry such Sewers through, across, or under any Turnpike or other Road, or any Street or Place, or under any Cellar or Vault which may be under the Foot Pavement or Carriageway of any Street or Road, and after reasonable Notice in Writing (if upon the Report of Surveyor it should appear to be necessary), into, through, or under any Lands whatsoever; and from Time to Time to enlarge, lessen, alter, arch over or otherwise improve,

improve, or to close up or destroy all Sewers vested in them, provided no Nuisance is created by such Operations; and if any Person is thereby deprived of the lawful Use of any Sewer, the Local Authority shall provide another sufficiently effectual for his Use.

Sewers to be cleansed.

The Local Authority shall cause their Sewers to be so constructed, kept, and cleansed as not to be a Nuisance, and for the Purpose of cleansing and emptying them, may construct and place, either above or under Ground, such Reservoirs, Sluices, Engines, or other Works as may be necessary, and may cause such Sewers to communicate with and be emptied into such Places as may be fit and necessary, either within their District, or if necessary for the Purpose of Outfall or Distribution of Sewage, without their District, and to cause the Sewage and Refuse therefrom to be collected for Sale or for any Purpose whatsoever, but so as not to create a Nuisance.

Powers of utilising Sewage.

74. The Local Authority may from Time to Time, for the Purpose of utilizing their Sewage, agree with any Person as to the Supply of such Sewage or the Distribution thereof over Land, and Works to be made for the Purpose of that Supply or Distribution, and the Parties to execute the same and to bear the Costs thereof, and the Sums of Money, if any, to be paid for that Supply; provided that no Contract shall be made for the Supply of Sewage for a Period exceeding *Five Years*, unless with the Authority of the Board, and not for any Period exceeding *Twenty-five Years;* and may contract for, purchase, or take on Lease any Lands, Buildings, Engines, Materials, or Apparatus for the Purpose of receiving, storing, disinfecting, or distributing Sewage.

Power of Entry.

75. In case it shall become necessary to enter, examine, or lay open any Lands or Premises for the Purpose of making Plans, surveying, measuring, taking Levels, examining Works, ascertaining the Course of Sewers or Drains, making or repairing, altering or enlarging Sewers or Drains, or other Purposes ancillary to the Powers herein given as to Sewers and Drains, and the Owner or Occupier of Premises refuses or withholds Access and Leave to perform the said Operations, the Local Authority may apply to the Sheriff, who, if no sufficient Cause be shown to the contrary, shall grant Warrant to the Local Authority, its Officers and others thereby authorized, to enter and do all or any of the Works or Operations foresaid.

Formation of Special Drainage District.

76. Any Local Authority may, by Resolution at any Meeting convened for the Purpose after *Twenty-one* clear Days public Notice,

Notice, and subject to the Approval of the Sheriff, not being a Sheriff Substitute, form any Part of their District into a Special Drainage District, and such District may, subject to Approval as aforesaid, be annulled or modified; and in either Case the Resolution shall be published in One or more Newspapers circulating in the County in the District; and the Production of such Newspaper, or a Certificate under the Hand of the Chairman or acting Clerk of the Local Authority (whose Signature need not be proved), shall be sufficient Evidence of such Resolution.

Power to drain into Sewers of Local Authority.

77. Any Owner or Occupier of Premises within the District of a Local Authority shall be entitled to cause his Drains to empty into the Sewers of that Authority, on condition of his giving such Notice as may be required by that Authority of his Intention so to do, and of complying with the Regulations of that Authority in respect of the Mode in which the Communications between such Drains and Sewers are to be made, and subject to the Control of any Person who may be appointed by the Local Authority to superintend the making of such Communications.

Use of Sewers by Persons beyond District.

78. Any Owner or Occupier of Premises beyond the Limits of the District of a Local Authority may cause any Sewer or Drain from such Premises to communicate with any Sewer of the Local Authority, upon such Terms and Conditions as may be agreed upon between such Owner or Occupier and such Local Authority, or in case of Dispute, shall be settled by the Sheriff.

Penalty for making unauthorized Drains.

79. Every Person not being authorized by the Local Authority, who shall make any Drain into any Sewer vested in the Local Authority, shall be liable in a Penalty not exceeding *Five Pounds*, besides shutting up said Drain or paying the Expense of shutting it up.

Estimates for Work.

80. Before entering into any Contract for executing any such Work as herein-before or after mentioned, falling under Part VI. of this Act, or connected with Sewage or Drainage, if the Expense thereof shall exceed *Thirty Pounds*, the Local Authority shall procure from a Surveyor an Estimate of the probable Expense of constructing the same in a substantial Manner, and of the yearly Expense of maintaining the same in repair; and such Surveyor shall accompany such Estimate with a Report as to the most advantageous Mode of constructing such Work, whether under a Contract for constructing the same merely, or a Contract for constructing the same and maintaining it in repair during a given Term of Years.

 81. Unless

Not to build over Sewers.

81. Unless with Consent of the Local Authority no Building shall be erected over any Sewer belonging to the Local Authority, and no Vault, Arch, or Cellar shall be made so as to interfere with any such Sewer.

Sewers to be trapped.

82. All Sewers and Drains, whether public or private, shall be provided by the Persons to whom they severally belong, with proper Traps or other Coverings or Means of Ventilation, so as to prevent Stench or deleterious Exhalation.

Distilleries, &c. to deposit Refuse.

83. The Owners or Occupiers of Distilleries, Manufactories, and other Works shall be compelled, where possible, to dig, make, and construct Pools or Reservoirs within their own Ground, or as near their Works as possible, for receiving and depositing the Refuse of such Works, so far as offensive or dangerous to the Health of those living in the Vicinity thereof, or to use the best practical Means for rendering the same inoffensive or innoxious before discharging it into any Ditch, Sewer, or other Channel.

Drain discharging below High-water Mark.

84. If the Local Authority shall consider it necessary for Public Health that any Drain should discharge itself below High-water Mark, they shall be entitled, with the Consent of the Commissioners of Her Majesty's Woods and Forests, to construct the requisite Works for that Purpose.

As to the Drainage of Houses.

85. If a Dwelling House within the District of a Local Authority is without a Drain, or without such Drain as is sufficient for effectual Drainage, the Local Authority may, by Notice, require the Owner of such House, within a reasonable Time therein specified, to make a sufficient Drain emptying into any Sewer which the Local Authority is entitled to use, and with which the Owner is entitled to make a Communication, so that such Sewer be not more than One hundred Feet from the Site of the House of such Owner; but if no such Means of Drainage are within that Distance, then emptying into such covered Cesspool or other Place, not being under any House, as the Local Authority directs; and if the Person on whom such Notice is served fails to comply with the same, the Local Authority may itself, at the Expiration of the Time specified in the Notice, do the Work required, and the Expenses incurred by it in so doing may be recovered from such Owner in a summary Manner.

Power of borrowing for Sewers.

86. It shall be lawful for the Local Authority, with the Sanction of the Board, to borrow for the Purpose of making, enlarging, or constructing Sewers, and on the Security of the after-mentioned

Special

Special Sewer Assessments, where such exist, and General Assessments, or either of them, such Sums of Money, and at such Times, as the Local Authority shall deem necessary for that Purpose, and to assign the said Special Sewer Assessments and General Assessments in Security of the Money to be so borrowed; and the Bonds to be granted on such borrowing and Transferences thereof may be in or near to the Forms contained in the Schedule hereto annexed, and such Bonds shall constitute a Lien over the Special Sewer Assessments and General Assessments thereby assigned, and shall entitle the Creditors therein to recover the Sums thereby due from the Local Authority out of the first and readiest of the said Special and General Assessments; but no Member or Officer of the Local Authority shall be personally liable for the Repayment of such Money so borrowed, and all such Obligations shall be deemed and taken to be granted on the sole Security of the Assessments assigned, and shall either be so conceived as to provide for the Extinction of the Debt, including Interest, within *Twenty-five* Years from the Date of the Loan, by equal yearly or half-yearly Payments, or be so conceived as that the Principal Sum borrowed shall be repaid by annual Instalments of not less than One Twenty-fifth Part thereof, besides Payment of the Interest due, and in either Case Payment shall be made accordingly; and the Money so borrowed as aforesaid shall be applied wholly in defraying the Expense of making, enlarging, and re-constructing Sewers, and to no other Purpose whatsoever.

Local Authorities may combine.

87. Two or more Local Authorities may, with the Sanction of the Board, combine together for the Purpose of executing and maintaining any Works by this Act authorized in regard to Sewerage or Drainage that may be for the Benefit of their respective Districts; and all Monies which they may agree to contribute for the Execution and Maintenance of such common Works shall, in the Case of each Local Authority, be deemed to be Expenses incurred by them in the Execution of Works within their District.

Supply of Water.

88. The Local Authority, if they think it expedient so to do, and with the Approval of the Board, may provide a Supply of Water for the Use of the Inhabitants, and for that Purpose may dig Wells, make and maintain Reservoirs, may purchase, take upon Lease, hire, construct, lay down, and maintain such Waterworks and Premises, and do and execute all such Works, Matters, and Things as shall be necessary and proper for the aforesaid Purpose, and may themselves furnish a Supply of Water, or contract with any other Person to furnish the same.

House without Supply of Water.

89. If any House within the District is without a proper Supply of Water, the Local Authority may call upon the Owners to obtain such Supply, and to do all such Works as may be necessary for that Purpose.

Water for Baths, &c.

90. The Local Authority, if they have any surplus Water after fully supplying what is required for domestic Purposes, may supply Water from such Surplus to any public Baths and Wash-houses, or for trading or manufacturing Purposes, on such Terms and Conditions as may be agreed on between the Local Authority and the Persons desirous of being so supplied.

Cisterns, &c. to be supplied with Water.

91. The Local Authority may cause all existing public Cisterns, Pumps, Wells, Reservoirs, Conduits, Aqueducts, and Works used for the gratuitous Supply of Water to the Inhabitants, to be continued, maintained, and plentifully supplied with Water, and may, if they shall think fit, provide and gratuitously supply Water for any public Baths or Wash-houses established otherwise than for private Profit or supported out of any Burgh Rates.

Special Water Supply District.

92. Any Local Authority may, by Resolution at any Meeting convened for the Purpose after Twenty-one clear Days public Notice, and subject to the Approval of the Sheriff, not being a Sheriff Substitute, form any Part of the District into a Special Water Supply District, and thereafter in like Manner and with like Approval modify or annul such Water Supply District; and in either Case the Resolution shall be published in some Newspaper circulating in the County in which the District is situated, and the Production of such Newspaper, or a Certificate under the Hand of the Chairman or acting Clerk of the Local Authority (whose Signatures need not be proved), shall be sufficient Evidence of such Resolution.

Power to borrow for Water Supply.

93. It shall be lawful for the Local Authority to borrow for the Purpose of constructing, purchasing, enlarging, or re-constructing such Works as are herein authorized for providing a Supply of Water for the Use of the Inhabitants of the District, and on the Security of the after-mentioned Special Water Assessments, where such exist, and General Assessments, or either of them, such Sums of Money, and at such Times as the Local Authority shall deem necessary for that Purpose, and to assign the said Special Water Assessments and General Assessments in Security of the Money to be so borrowed; and the Bonds to be granted on such borrowing and Transferences thereof may be in or near to the Forms contained in the Schedule hereto annexed; and such Bonds shall constitute a Lien over the Assessments thereby assigned, and shall entitle the Creditors

Creditors therein to recover the Sums thereby due from the Local Authority out of the first and readiest of the said Assessments; but no Member or Officer of the Local Authority shall be personally liable for the Repayment of such Money so borrowed, and all such Obligations shall be deemed and taken to be granted on the sole Security of the Rate assigned, and shall either be so conceived as to provide for the Extinction of the Debt, including Interest, within *Twenty-five Years* from the Date of the Loan, by equal yearly or half-yearly Payments, or be so conceived as that the Principal Sum borrowed shall be repaid by annual Instalments of not less than One Twenty-fifth Part thereof, besides Payment of the Interest, and in either Case Payment shall be made accordingly; and the Money so borrowed as aforesaid shall be applied wholly in defraying the Expense of purchasing, making, enlarging, and re-constructing such Works, and to no other Purpose whatsoever.

94. The Public Works Loan Commissioners as defined by "The Public Works Loan Act, 1853," may advance to the Commissioners mentioned in the One hundred and ninety-sixth Section of "The Police and Improvement (Scotland) Act, 1862," for the Purposes mentioned in that Section, and upon the Security therein mentioned, and to any Local Authority for the Purposes mentioned in Part VI. of this Act, such Sums of Money as may be recommended by One of Her Majesty's Principal Secretaries of State. 25 & 26 Vict. c. 101.

95. Two or more Local Authorities may, with the Sanction of the Board, combine together for the Purpose of executing and maintaining any Works by this Act authorized in regard to Water Supply that may be for the Benefit of their respective Districts; and all Monies which they may agree to contribute for the Execution and Maintenance of such Common Works shall, in the Case of each Local Authority, be deemed to be Expenses incurred by them in the Execution of Works within their District. Execution and Maintenance of Works as to Water Supply.

PART VII.

Assessments.

96. Where any Special Drainage District has been formed as herein-before provided, the Expense of the Sewerage and Drainage incurred by the Local Authority within the same, or for the Purposes thereof, and the Sums necessary for Payment as before mentioned of any Money borrowed for Sewerage Purposes as herein- Expense incurred in Special Drainage District to be paid.

before provided, shall be paid out of a Special Assessment, which the Local Authority shall raise and levy on and within such Special District, in the same Manner and with the same Remedies and Modes of Recovery as are herein provided for the District of the Local Authority.

Expense incurred in Special Water Supply District to be paid.

97. Where any Special Water Supply District has been formed as herein-before provided, the Expense incurred for Water Supply within the same, or for the Purposes thereof, and the Sums necessary for Payment as before mentioned of any Money borrowed for Water Supply Purposes, as herein-before provided, shall be paid out of a Special Assessment which the Local Authority shall raise and levy on or within such Special District, in the same Manner and with the same Remedies and Modes of Recovery as are herein-before provided for the District of the Local Authority.

As to Expenses incurred in executing this Act.

98. All Charges and Expenses incurred by the Local Authority in executing this Act, and not recovered as herein-before or after provided, may be defrayed out of an Assessment to be levied by the Local Authority separately from, but in like Manner and under like Powers, which Powers are hereby given and are declared to extend over the whole and every Part of the District of the Local Authority, and which Assessment the Local Authority shall raise and levy accordingly, as—

The Prison Assessment or Police Assessment, as the Local Authority shall resolve, where the Local Authority is a Town Council or Police Commissioners, or Trustees acting as Police Commissioners; or if there be no Prison or Police Assessment, by an Assessment levied in like Manner as is herein-after authorized, where the Local Authority is a Parochial Board:

The Assessment for the Relief of the Poor, where the Local Authority is a Parochial Board, or where there is no such Assessment, by an Assessment levied in such Manner as an Assessment might have been levied for the Relief of the Poor: Provided always, that where the Local Authority is a Town Council or Police Commissioners, or Trustees acting as Police Commissioners, or where a Parochial Board is the Local Authority in a District, including, as well as the Landward Part of a Parish, a Burgh or Town having a Town Council or Police Commissioners or Trustees acting as Police Commissioners, the annual Value of the following Lands or Premises shall for the whole Assessments under this Act be held to be the nearest aggregate Sum of Pounds Sterling to One Fourth of the annual Value thereof entered in the Valuation Roll, made up and completed

completed in Terms of the Acts in force for the Valuation of Lands and Heritages in Scotland; viz.,

1. All Lands and Premises used exclusively as a Canal or Basin of a Canal, or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, excepting the Stations, Depôts, and Buildings, which shall be assessable on their full annual Value:
2. All the underground Gas and Water Pipes, or underground Works of any Gas or Water Company:
3. All Woodland, Arable, Meadow, or Pasture Land, or other Land used for agricultural Purposes, together with all Houses and Buildings required for the Cultivation of such Land:
4. All Mines, Minerals, Quarries, and Manufactories:

And in the event of any Dispute arising as to the Lands and Premises falling under the above Exceptions, it shall be lawful to the Owner or Occupier of such Lands and Premises to present a Petition to the Sheriff, praying to have the same declared for the Time being liable to Assessment upon the said Proportion of their Value only, and the Sheriff shall thereupon order the Petition to be served on the Local Authority upon a short Induciæ, and after hearing Parties and taking such Evidence as he shall think necessary, shall pronounce such Judgment as to him shall seem just and right, and which Judgment shall be final, except that where pronounced by a Sheriff Substitute it shall be subject to Appeal to the Sheriff.

PART VIII.

Enforcement of and Procedure under this Act.

Procedure if Local Authority neglect its Duty under this Act.

99. If any Nuisance shall exist upon or in Premises possessed or managed by the Local Authority, or in which the Local Authority has any Interest, or if the Local Authority shall fail or neglect to perform any Duty imposed upon it by this Act, or to take all due Proceedings in this Act authorized for the Removal of Nuisances or Preservation of Health, or due Regulation of Lodging Houses, or for any other of the Purposes of this Act, it shall be competent for any Two Householders residing within the District, or the Inspector of the Poor of the Parish, or for the Procurator Fiscal of the Sheriff or Justice of the Peace Court of the County, or of the Burgh Court, or for the Board, to give written Notice to such Local Authority of the Matters in which such Neglect exists; and

if the Local Authority do not within *Fourteen Days* after such Notice, or in the Case of Neglect to enforce any Regulation or Direction of the Board under Part III. of this Act, within *Two Days* after such Notice, remove or remedy the Nuisance referred to, or in any other Case take the Steps authorized or required by or under this Act, it shall be competent for the Parties aforesaid, or any One of them, to apply to the Sheriff by summary Petition, and the Procurator Fiscal of the Sheriff Court shall be bound to make and proceed with such Application, if so instructed by the Board, and in that event his Expenses as between Agent and Client shall be supplied and defrayed by the Local Authority; and the Sheriff shall thereupon inquire into the same, and may make such Decree as shall in his Judgment be required to enforce the Removal or Remedy of the Nuisance, or otherwise to compel Execution of or carry out the Provisions and Purposes of this Act, and may appoint the same to be carried into effect by and at the Sight of such Persons as he may think fit, and at the Expense of the Local Authority, or of other Parties on whom the Expense ought in his Opinion to be laid, and for Payment of the Expenses of such Application by the Petitioners or by the Local Authority or other Party, as Justice may require; and further, it shall be competent for the Board to present a Petition to the Sheriff, under the Fourth Section of the "Burial Grounds (Scotland) Act, 1855," to the same Effect, and to be followed out in like Manner as if presented by any of the Persons or Parties therein mentioned: Provided always, that in regard to any Nuisance for the Removal of which Drainage Works are necessary, the Sheriff or other Judge or Court may suspend Consideration of the Complaint for such Time as may seem proper, in order to enable a general System of Drainage under any General or Local Act or otherwise to be carried out, the better to remove such Nuisances.

Provision for Refusal or Neglect of Local Authority.

100. In case any Local Authority shall refuse or neglect to do what is herein or otherwise by Law required of them, or in case any Obstruction shall arise in the Execution of this Act, it shall be lawful for the Board, or for the Lord Advocate at the Request of the Board, to apply by summary Petition to the Court of Session, or during Vacation or Recess to the Lord Ordinary on the Bills, which Court and Lord Ordinary are hereby authorized and directed to do therein as shall seem just and necessary.

Procurator Fiscal may sue by Directions of the Board.

101. In any Place within the Jurisdiction of a Local Authority the Procurator Fiscal of the Sheriff Court, by and under the Directions of the Board, on their being satisfied that the Local Authority

Authority have made default in doing their Duty, may institute and follow out Proceedings at his Instance against the Local Authority for compelling them to do their Duty; and may institute at his Instance, and follow out in all respects, any Proceeding which the Local Authority of such Place might institute with respect to the Removal of Nuisances or otherwise, and the Expense as between Agent and Client of all such Proceedings shall be paid by the Local Authority, but with such Relief against the Author of any Nuisance or any other Party as may be competent.

Duties of Local Authorities as to Inspection of Nuisances, &c.

102. It shall be the Duty of the Local Authority to make from Time to Time, and also when required by the Board, either by itself or its Officers, Inspection of the District, with a view to ascertain what Nuisances exist calling for Abatement under the Powers of this Act, and to enforce the Provisions of the Act in order to cause the Abatement thereof, also to enforce the Provisions of any Act that may be in force within its District requiring Fireplaces and Furnaces to consume their own Smoke.

Local Authority may require Payment of Costs or Expenses from Owner or Occupier, and Occupier paying to deduct from Rent.

103. It shall be lawful for the Local Authority, at their Discretion, to require the Payment of any Costs or Expenses which the Owner of any Premises may be liable to pay under this Act, either from the Owner or from any Person who then or at any Time thereafter occupies such Premises, and such Owner or Occupier shall be liable to pay the same, and the same shall be recovered in manner authorized by this Act, and the Owner shall allow such Occupier to deduct the Sums of Money which he so pays out of the Rent from Time to Time becoming due in respect of the said Premises, as if the same had been actually paid to such Owner as Part of such Rent: Provided always, that no such Occupier shall be required to pay any further Sum than the Amount of Rent for the Time being due from him, or which, after such Demand of such Costs or Expenses from such Occupier, and after Notice not to pay his Landlord any Rent without first deducting the Amount of such Costs or Expenses, becomes payable by such Occupier, unless he refuse, on Application being made to him for that Purpose by or on Behalf of the Local Authority, truly to disclose the Amount of his Rent and the Name and Address of the Person to whom such Rent is payable, but the Burden of Proof that the Sum demanded from any such Occupier is greater than the Rent due by him at the Time of such Notice, or which has since accrued, shall lie upon such Occupier: Provided also, that nothing herein contained shall be taken to affect any Contract made or to be made between any Owner or Occupier of any House, Building, or other Property whereof it is or may be agreed that the Occupier shall pay or

discharge all Rates, Dues, and Sums of Money payable in respect of such House, Building, or other Property, or to affect any Contract whatsoever between Landlord and Tenant.

Penalty for wilful Damage of Works.

104. If any Person wilfully damages any Works or Property belonging to any Local Authority, he shall be liable to a Penalty not exceeding *Five Pounds*.

Appearance of Local Authorities in legal Proceedings.

105. Any Local Authority may appear and lead before any Sheriff, Justice, or Magistrate, or in any legal Proceeding, by any Officer or Member, or other Person authorized generally, or in respect of any special Proceeding, by Resolution of such Authority, and such Person being so authorized shall be at liberty to institute and carry on any Proceeding which the Authority is authorized to institute and carry on under this Act; and it shall not be necessary for the Local Authority to appear in any other Manner in any Prosecution or Proceeding at their Instance.

Recovery of Penalties.

106. All Penalties under this Act, and all Sums of Money and Expenses directed to be recovered in a summary Manner, may be sued for in the Sheriff Courts; and all such Penalties, Sums of Money, and Expenses may, unless otherwise provided in this Act, be recovered at the Suit of the Local Authority, and may be applied for the Purposes of this Act: Provided always, that nothing contained in this Section shall impair or affect any other Mode of Recovery allowed by this Act.

Powers of Act cumulative.

107. All Powers given by this Act shall be deemed to be in addition to, and not in derogation of, any other Powers conferred on any Local Authority or other Public Body by Act of Parliament not hereby repealed, or any Law or Custom; and such Local Authority or other Public Body may exercise such other Powers in the same Manner as if this Act had not passed; provided always, that such other Powers are not inconsistent with this Act.

Form of Applications to the Sheriff.

108. All Applications to the Sheriff to enforce any Provision of this Act herein-before made, or for the Recovery of Penalties herein-before imposed, or other Sums of Money becoming due to the Local Authority in virtue of this Act, may be by summary Petition, and may be presented to the Sheriff of the County in which the District is situated, or to the Sheriff of the County where the Person sued or complained against is found, and such Petition may refer to the Clauses of this Act on which it is founded, without setting forth the same; and the Sheriff shall thereupon, if he see fit, appoint the Petition to be answered within Three Days after Service,

Service, or may order the Parties to attend him in Person, and on advising such Answer, or hearing the Parties, or on the Respondent failing to appear, he may at once decern or may appoint any competent Person to examine the Premises and report to him, and may decern on such Report; or he may, if either Party desire it, order Proof to be led before himself on any specified Points, and shall in that Case appoint a Day, not more than Five Days thereafter, for hearing such Proof, and if the Proof be not on that Day completed may adjourn the same from Time to Time until completed, and within Three Days after such Completion he shall give Decree, and he may find either Party liable in Expenses, or in any modified Sum of Expenses; and may, without prejudice to any other Remedy, grant Warrant for the Imprisonment of the Person convicted or found liable in a Penalty or Sum of Money, unless he shall pay the whole Sums found due within a specified Time until the same be paid, such Imprisonment not to exceed a specified Time; but the Judgment shall not be invalidated by any Deviation from any of the said Periods of Time.

No written Pleadings, &c. allowed.

109. No written Pleadings, other than the Petition and Answers (when ordered), shall be allowed, and the Sheriff shall take Notes of the Evidence in like Manner as in Civil Proofs: Provided always, that no Decree under this Act against any Party shall bar his Right to Relief against any other Party legally liable therein.

Appeal in certain Cases.

110. Where it shall appear to the Sheriff that the true Value of the Subject complained of as a Nuisance, or the Cost of the Operations necessary to remove or amend it as ordered, or the Value of the Trade or Business interfered with, exceeds the Sum of *Twenty-five* Pounds or the Sum of *Fifty Pounds* respectively, he shall certify his Opinion to that Effect in his Decree, and the Parties shall thereupon be entitled to appeal from the Sheriff Substitute, where the Judgment has been pronounced by him to the Sheriff, on lodging, within Three Days after the Decree, a Note of Appeal with the Sheriff Clerk, and serving the same on the opposite Party, and such Note shall operate as a Sist of Execution until the Appeal be determined; and on such Note being lodged the Sheriff Clerk shall transmit the Process, together with the Sheriff Substitute's Notes of Evidence, to the Sheriff, whose Decision thereon shall be final where the Value Certificate is not above *Fifty Pounds;* and in the event of such Value or Cost being so certified to exceed the Sum of *Fifty Pounds,* the Parties shall be entitled to present a Note of Appeal to the Lord Ordinary on the Bills against the Judgment either of the Sheriff Substitute or of the Sheriff, whether this last be an original Judgment or an Appeal, provided that, along with such Note, the

Appellant shall lodge a sufficient Bond of Caution by One or more Obligants, to the Amount of *Ten Pounds* Sterling, for Payment or Performance of any Judgment that may be pronounced under his Appeal; and also provided, that such Note be lodged in the Bill Chamber, and a Copy thereof served on the opposite Party within Eight Days of the Date of the Sentence complained against, which Note shall in like Manner operate as a Sist of Execution until a Judgment be pronounced by the Lord Ordinary, which Judgment shall be final unless the Lord Ordinary shall allow a Reclaiming Note to the Inner House, and the Judgment of the Inner House shall be final.

No Appeal otherwise. Proceedings under this Act not subject to Review.

111. No Appeal shall be competent, save in Cases so certified; and no Decree or Order, or any other Proceeding, Matter, or Thing done in the Execution of this Act shall, excepting as herein provided, be subject to Review in any way whatever.

Justices being Members of Local Authority may act.

112. The Sheriff, Justices of the Peace, or Magistrates may in all Cases, notwithstanding their being Members of the Local Authority or the Board, exercise the Jurisdiction vested in them under this Act.

Service of Notices, Petitions, and Orders.

113. Notices, Petitions, and Orders under this Act may be served by delivering the same to or at the Residence of the Parties to whom they are respectively addressed, or by being put into the Post Office duly addressed to the Parties; and where addressed to the Owner or Occupier of Premises they may be served by delivering the same or a true Copy thereof to some Person upon the Premises, or if there be no Person upon the Premises who can be so served, by fixing the same upon some conspicuous Part of the Premises.

Proof of Resolutions of Local Authority and Board.

114. Copies of any Orders or Resolutions of the Local Authority or their Committee, purporting to be signed by the Chairman of such Body or Committee, and all Directions and Regulations, or Orders or Resolutions of the Board, signed by their Secretary, shall, unless the contrary be shown, be received as Evidence thereof without Proof of their Meeting, or of the Official Character or Signature of the Person signing of the same.

One or more Joint Owners may be proceeded against alone.

115. In case of any Demand or Complaint under this Act, to which Two or more Parties, whether as Owners or Occupiers of Premises, may be jointly answerable, it shall be sufficient to proceed against any One or more of them without proceeding against the others or other of them; but nothing herein contained shall prevent the Parties so proceeded against from recovering Relief in

in any Case in which they would now be entitled to Relief by Law.

Penalty on Occupier obstructing Owner.

116. If the Occupier of any Premises prevent the Owner thereof from obeying or carrying into effect the Provisions of this Act, the Sheriff or any Justice to whom Application is made shall, by Order in Writing, require such Occupier to permit the Execution of the Works required to be executed, provided that such Works appear to such Sheriff or Justice to be necessary for the Purpose of obeying or carrying into effect the Provisions of this Act; and if within a reasonable Time after the making of such Order the Occupier against whom it is made refuse to comply therewith, he shall be liable to a Penalty not exceeding *Five Pounds* for every Day afterwards during the Continuance of such Refusal.

Penalty for violating Act or obstructing its Execution.

117. Whoever wilfully violates or contravenes any Provision of this Act to which no special Penalty is attached, obstructs any Person acting under the Authority or employed in the Execution of this Act, or wilfully violates any Direction or Regulation issued by the Board under this Act, shall be liable for every such Offence to a Penalty not exceeding *Five Pounds;* provided that nothing in this Act shall exempt any Person from any Penalty or Liability to which he may otherwise be subject.

Works of Distribution of Sewage to be deemed a Land Improvement.

118. The making of Works of Distribution and Service for the Supply of Sewage to Lands for agricultural Purposes shall be deemed an Improvement of Land authorized by the Land Improvement Act, 1864, and the Provisions of that Act shall apply accordingly.

Compensation to be made.

119. Full Compensation shall be made, out of any Fund or Assessment applicable to the Purposes of this Act, to all Persons sustaining any Damage by reason of the Exercise of any of the Powers of this Act; and in case of Dispute, if the Sum claimed do not exceed the Sum of *Fifty Pounds* Sterling, the same may be ascertained on a summary Application by either Party to the Sheriff, whose Decision shall be final and not subject to Review, unless when pronounced by the Sheriff Substitute, in which Case it may be reviewed by the Sheriff on Appeal; and when the Sum claimed exceeds *Fifty Pounds* Sterling, "The Lands Clauses Consolidation (Scotland) Act, 1845," shall be incorporated with and form Part of this Act, with respect to the Provisions thereof as to acquiring Lands by Agreement.

Convictions not void for Want of Form.

120. No Conviction or other legal Proceeding under this Act shall be void for Want of Form, or for Want of any previous Notice, provided in this latter Case the Party proceeded against or convicted has appeared or the Charge had come to his Knowledge; and the Charge may be amended at any Time, and the Proceedings may be adjourned on the Ground of Want of sufficient Notice, or for other good Cause.

Local Authority or Board not liable for Irregularity of their Officers.

121. The Local Authority and the Board shall not be liable in Damages for any Irregularity committed by their Officers in the Execution of this Act, or for anything done by themselves in the bonâ fide Execution of this Act; and every Action or Prosecution against any Person acting under this Act, on account of any Wrong done in or by any Action, Proceeding, or Operation under this Act, shall be commenced within *Two Months* after the Cause of Action shall have arisen.

As to Forms to be used.

122. The Forms contained in the Schedule to this Act annexed, or any Forms to the like Effect, may be used for the Purposes of this Act, and shall be sufficient therefor, and all written Proceedings or Documents under this Act may be wholly or partly printed.

Exemption from Stamp Duties.

123. All Bonds, Assignations, Conveyances, Instruments, Agreements, Receipts, or other Writings made or granted by or to or in favour of the Local Authority under this Act, and all Assignations of Bonds granted by the Local Authority, shall be exempt from all Stamp Duties.

Police Constables to aid in executing Act.

124. The Constabulary and Police Force in their respective Jurisdictions shall aid the Authorities and Officers acting in execution of this Act, or any Directions or Regulations issued as aforesaid.

Act not to impair Right of Action, &c.

125. Nothing in this Act shall be construed to impair any Right of Action in respect of Nuisances at Common Law.

SCHE-

SCHEDULE OF FORMS.

FORM (A.)

Order of Justice of Peace for Admission of Local Authority or their Officer to inspect private Premises.

WHEREAS [*describe the Local Authority*] have by their Officer [*naming him*] made Application to me, *A.B.*, One of Her Majesty's Justices of the Peace having Jurisdiction in [*describe the Place*], stating on Oath their [*or* his] Belief that a Nuisance within the Meaning of "The Sanitary Act (Scotland), 1867," exists in private Premises at [*describe Situation of Premises so as to identify them*] within my Jurisdiction, and that Demand of Admission to such Premises for the Inspection thereof has been duly made under the said Act and refused:

Therefore I hereby require you to admit the said [*name the Local Authority*], [*or* the Officer of the said (*Local Authority*)] for the Purpose of inspecting the said Premises.

Dated at this Day of 18 .

A.B.

FORM (B.)

Notice of Nuisance.

To the Local Authority of .

WE [*or* I], the undersigned Inhabitant Householders [Sanitary Inspector, *or other Officer (describing him)* of the Parish *or* Burgh of], do hereby give you Notice, That to the best of our [*or* my] Knowledge and Belief there exists in the [Dwelling House, Yard, *&c., as the Case may be*], and Premises situate at No. in Street [*or such other Description as may be sufficient to identify the Premises*] in the Parish of in your District, under "The Sanitary Act (Scotland), 1867," the following Nuisance, videlicet, [*describing the Nuisance, as the Case may be; for instance,* the Dwelling House *or* Building at No. aforesaid is without a Privy *or* Drain *or* sufficient Means of Ventilation, *or* is unsafe, *or* in such a filthy or such an unwholesome Condition, *or* so out of Repair, *or* there is a foul or offensive Ditch, *or* Drain, *or* such an Accumulation of *&c., or* Swine so kept as to be injurious to Health]; and that such Nuisance is caused or permitted to continue by [*naming the Person by whose Act or Default, or* by some Person unknown].

Day of One thousand eight hundred and .

[*Signed by Complainant or Complainants.*]

FORM (C.)

Certificate of Nuisance.

To the Town Council, *&c.* [*as in the Form of Notice*].

I, the undersigned, being Medical Officer of the under-mentioned Parish of , do hereby certify to you, That to the best of my Knowledge and Belief there exists in the Premises [Dwelling House, *or* Yard, *&c.*] situate at No. in Street [*or such other Description as may be sufficient to identify the Premises*] in the Parish of in your District, under "The Sanitary Act (Scotland), 1867," the following Nuisance [*describing the Nuisance, as the Case may be*], cognizable under that Act.

Day of One thousand eight hundred and

A.B.

FORM (D.)

Order to permit Execution of Works by Owners.

WHEREAS Complaint hath been made to me, *E.F.*, Esquire, One of Her Majesty's Justices of the Peace for the County [*or* Burgh, *&c.*] of by *A.B.*, Owner within the Meaning of "The Sanitary Act (Scotland), 1867," that *C.D.*, the Occupier of a Dwelling House [*or* Building, *or as the Case may be*] situate [*insert such a Description of the Premises as may be sufficient to identify them*] in the Parish of in the said County [*or* Burgh, *&c.*] prevents the said *A.B.* from obeying and carrying into effect the Provisions of the said Act, videlicet, [*here describe the Works generally, according to the Circumstances; for instance, thus,* cleansing *or* whitewashing *or* purifying the said Dwelling House (*or* Building), *or* erecting a Privy *or* Drain, *or* breaking an Aperture for Ventilation, *or* cleansing a foul and offensive Drain (Ditch, Gutter, Privy, Cesspool, *or* Ashpit)]; and not having shown sufficient Cause against the same, and it appearing to me that the said Works are necessary for the Purpose of enabling the said *A.B.* to obey and carry the same into effect, I therefore hereby order that the said *C.D.* do permit the said *A.B.* to execute the same in the Manner required by the said Act.

(*Date.*) *E.F.*

FORM (E.)

Petition for Removal of Nuisance.

Unto the Honourable the Sheriff of the County of , the Petition of the Local Authority of the Parish of and of *A.B.*, residing in , as Sanitary Inspector of the said Parish.

Humbly showeth,

THAT the said Local Authority, Petitioners, have ascertained to their Satisfaction that the following Nuisance exists within their District, in contravention

tion of the Sanitary Act (Scotland), 1867, Section Sixteen, viz.: Six or thereby Swine are, and have for sometime past been kept at , within the said Parish, so as to be injurious to Health, the Place in which they were kept being unfit for such a Purpose by reason of the Vicinity of Dwelling Houses [*or state other Reason why the Animals are injurious to Health*], and the said Swine are the Property of *C.D.*, residing in .

May it therefore please your Lordship to grant Warrant to serve this Petition, with the Deliverance thereon, on the said *C.D.*, and appoint the Petition to be answered within Three Days after such Service [*or* to order the Parties to attend your Lordship in Person], and thereafter, with or without Answers, to decern and ordain the said *C.D.* instantly to remove the said Swine from the said Place, and that under the Penalties provided by the said Act, and to interdict him from keeping Swine there, and to find him liable in Expenses, or to do otherwise in the Premises as may seem meet.

According to Justice, &c.

FORM (F.)

Warrant for Citation of Respondent.

[*Place and Date.*] The Sheriff grants Warrant to Officers of Court to serve a Copy of the foregoing Petition and of this Deliverance upon *C.D.*, Respondent, and allows the Respondent to answer the Petition within Three Days after Service, with Certification [*or* appoints the Respondent to attend personally before the Sheriff] at on next at o'Clock before Noon, to answer in the Matter alleged.

FORM (G.)

Citation of Respondent.

To *C.D.* [*Designation.*]

TAKE notice, that you are required to give Obedience to the Warrant, of which, and of the relative Petition, the foregoing is a Copy.

This I do on the Day of .

[*Signature of Officer.*]

FORM (H.)

Certificate of Citation (to be written on the Petition).

I *G. W.*, Sheriff Officer, certify that I this Day served the foregoing Petition and Warrant on the Respondent *C.D.*, by putting a Copy thereof, with Citation annexed, into the Post Office at addressed to him [*or otherwise in Terms of the Act, Section*].

FORM (I.)

Judgment.

[*Place and Date.*] The Sheriff finds the Facts stated in the Petition proven [*or* admitted], decerns and ordains the Respondent *C. D.* to remove the Swine from the [*mention the Place*], and interdicts him from keeping Swine there in future: Finds him liable in of Expenses, and decerns (*or an Account of Expenses may be allowed to be given in and remitted for Taxation*).

[*Signature of Sheriff (or Justice or Magistrate).*]

FORM (K.)

Bond for Borrowed Money.

We *A. B.* [*Designation*], present Chairman of the Local Authority of the Parish of and [*Designation*] and [*Designation*], Two of the Members of the said Local Authority, considering that, by Resolution of the said Local Authority passed on the Day of ; it was resolved to borrow the Sum of Two hundred Pounds, under the Powers contained in the Sanitary Act (Scotland), 1867, Section , for the Purpose of making and enlarging and constructing Sewers, and on Security of the after-mentioned Assessments, and that the said Resolution has been sanctioned by the Board of Supervision, conform to Resolution of that Board, dated ; and further, considering that we have accordingly borrowed and received the said Sum of Two hundred Pounds from , residing in ; therefore we bind the said Local Authority to repay the said Sum and Interest as follows; viz.—* To make Payment to the said *J. K.*, his Heirs, Executors, and Successors, of the Sum of Pounds Sterling, at the Term of Whitsunday next, One thousand eight hundred and sixty-eight, and the like Sum of Pounds at the Term of Martinmas following, and so forth, half-yearly at Whitsunday and Martinmas, for the Space of Twenty-five Years, making in whole Fifty of the said half-yearly Payments, and which Payments shall be in full Satisfaction of the said Loan, Principal and Interest; and in Security of the said half-yearly Payments we hereby assign to the said *J. K.* and his foresaids the Special Sewer Assessments laid upon the Sewerage District of , within the said Parish; and we consent to the Registration hereof in the Register of Sasines for the County of . In witness whereof, *&c.*

[*Or otherwise.*]

*at * supra, say*, to make Payment to the said *J. K.*, his Heirs, Executors, and Successors, at the Term of Whitsunday next, One thousand eight hundred and sixty-eight, and also at the Term of Martinmas next, of the Interest, at Five per Cent., then due on the said Principal Sum, and also at the said Term of Martinmas of the Sum of , being One Twenty-fifth Part of the said Principal Sum; and so forth thereafter of

of the Interest as aforesaid, at Whitsunday and Martinmas, on the unpaid Balance of Principal, and at each Term of Martinmas of the like Sum of , being One Twenty-fifth Part of the original Principal Sum, so that the whole Sum, Principal and Interest, shall be extinguished in Twenty-five Years; and in Security of the said Loan we hereby assign, *&c., as before.*

Public Health (Scotland)

A

B I L L

To consolidate and amend the Law relati
to the Public Health in Scotland.

(Prepared and brought in by
Sir Graham Montgomery, Mr. Secretary Walpol
and Mr. Hunt.)

Ordered, by The House of Commons, *to be Printed*
25 *March* 1867.

[Bill 89.]

Under 7 *oz.*

Public Health (Scotland) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES,

Showing also whence the Provisions of the various Clauses of the Bill are taken, either in whole or in part.

Clauses.	Provisions of previous Acts.*
Preliminary.	
1. Short Title.	
2. Repeal of certain Acts.	
3. Interpretation.	
4. Incorporation of Lands Clauses Acts.	
PART I.	
Local Authority and Board of Supervision.	
5. As to Local Authorities to execute Act	1856, §§ 4, 5.
6. Where District in more than One County	1856, § 5.
7. Local Authorities incorporated. Committees may be appointed	1866, § 46. 1856, § 6.
8. Local Authority to appoint Sanitary Inspectors and other Officers	1856, § 7.
9. Powers of Board to require Returns and examine Witnesses	1845, § 9.
10. Board may authorize Special Inquiries to be made	1845, § 10.
11. Board may appoint Commissioners for conducting Special Inquiries	1845, § 11.
12. Board may allow Expenses of Witnesses	1845, § 12.
13. Penalties on Parties giving false Evidence or refusing to obey Summons of Board	1845, § 13.
14. Power of Board to appoint Clerks	1845, § 14.
15. Salaries of legal Members of Board	

* The short References are as follows :—

1845.—8 & 9 Vict. c. 83, Poor Law Amendment (Scotland) Act.
1848.—11 & 12 Vict. c. 63, Public Health Act.
1856.—19 & 20 Vict. c. 103, Nuisances Removal (Scotland) Act.
1861.—24 & 25 Vict. c. 61, Local Government Act Amendment Act.
1862.—25 & 26 Vict. c. 101, General Police and Improvement (Scotland) Act.
1865.—28 & 29 Vict. c. 75, Sewage Utilization Act.
1866.—29 & 30 Vict. c. 90, Sanitary Act.

Clauses.		Provisions of previous Acts.
	PART II.	
	Removal of Nuisances.	
16.	Description of Nuisances under this Act - -	1856, § 8. 1866, § 19. 1862, § 443. 1866, § 19.
17.	Power of Entry to Local Authority or their Officers -	1856, § 9. 1866, § 31.
18.	Proceedings of Local Authority when Nuisances are ascertained to exist - - - - - -	1856, § 10. 1866, § 18.
19.	Form of Interlocutor - - - - - -	1856, § 11.
20.	Penalty for Contravention of Decree and Interdict -	1856, § 12.
21.	Order when Structural Works are required - -	1856, § 13.
22.	Local Authority to do Works on Owner's or Occupier's Default, or if Person causing Nuisance cannot be found - - - - - -	1856, § 14.
23.	Manure, &c. to be sold - - - -	1856, § 15.
24.	Foul Ditches, &c. may be replaced by Sewers -	1856, § 16. 1861, § 4.
25.	Act not to affect Navigation of Rivers or Canals or Irrigation of Lands - - - - -	1856, § 17.
26.	Penalty on Sale of unwholesome Meat - - -	1856, § 18.
27.	Penalty for causing Water to be corrupted by Gas Washings, &c. - - - - - -	1856, § 19.
28.	Such Penalties, &c. to be sued for within Six Months	1856, § 20.
29.	Daily Penalty during the Continuance of the Offence	1856, § 21.
30.	Offensive Trades to be subject to Regulations -	1862, § 448.
	PART III.	
	Prevention and Mitigation of Diseases under Order in Council.	
31.	Privy Council empowered to issue Orders for Prevention of Diseases - - - -	1856, § 22.
32.	When Order is issued, Board to be vested with certain Powers - - - - - -	1856, § 23.
33.	Board may issue Regulations to carry out such Provisions of Order - - - - -	1856, § 24.
34.	Orders of Council, Directions and Regulations of Board, to be laid before Parliament - -	1856, § 25.
35.	Matters to be provided for by such Regulations -	1856, § 26.
36.	Power for Local Authority, &c. to enter Premises -	1856, § 27.

Clauses.	Provisions of previous Acts.
37. When Order in Council in force, overcrowded Houses to come under Common Lodging Houses Provisions	1856, § 28.
38. Order in Council to extend to Ports and Arms of the Sea	1856, § 29.
PART IV.	
General Prevention and Mitigation of Diseases.	
39. Power to provide Hospitals	1866, § 37.
40. Power to provide Means of Disinfection, and Carriages for Conveyance of infected Persons	1866, §§ 22, 23, 24.
41. Local Authority may erect public Waterclosets, &c.	1862, § 135.
42. Removal of Persons sick of infectious Disorders, and without proper Lodging in any District	1866, § 26.
43. Places for the Reception of dead Bodies may be provided at the Public Expense	1866, § 27.
44. In Burghs, &c. Local Authority may make Regulations as to Lodging Houses, with Consent of the Board	1866, § 35.
45. Rules as to underground Dwellings	1862, § 352. 1848, § 67.
46. Penalty on letting underground Dwellings	1862, § 353.
47. Cases in which Two Convictions have occurred within Three Months	1866, § 36.
48. Penalty on Person suffering from infectious Disease entering public Conveyance without notifying to Driver that he is so suffering	1866, § 40.
49. Penalty on any Person with infectious Disorder exposing himself, or on any Person in charge of such Sufferer causing such Exposure	1866, § 38.
50. Penalty on Persons letting Houses in which infected Persons have been lodging	1866, § 39.
51. Removal of Manure in Mews, &c.	1866, § 53.
52. Provision as to Ships within the Jurisdiction of Local Authority	1866, § 32.
53. Provision as to District of Local Authority extending to Places where Ships are lying	1866, § 30.

Clauses.	Provisions of previous Acts.
54. Medical Officer of Parish to be allowed to charge for attending Sick on board any Ship, and to be paid by Captain - - - - -	1856, § 30.
55. Power to remove to Hospital sick Persons brought by Ships - - - - - -	1866, § 29.
56. Description of Ships within Provisions of 6 Geo. 4. c. 78., and Power to reduce Penalties imposed thereby - - - - -	1866, § 52. 1866, § 51.
57. Power to defray Cost of Vaccination in certain Cases - - - - - -	
58. Power to provide Grounds for public Recreation -	1862, § 367.

PART V.

Regulation of Common Lodging Houses.

59. Common Lodging Houses to be registered - -	1856, § 31.
60. No Lodger to be received in Common Lodging House till it has been inspected and registered - -	1856, § 32.
61. Evidence of Register - - - - -	1856, § 33.
62. Power of Local Authority to make Rules and Regulations respecting Common Lodging Houses, to take effect when confirmed by the Board - -	1856, § 34.
63. Such Rules and Regulations, when confirmed, to be printed, and furnished gratis to Keepers of Common Lodging Houses - - - -	1856, § 35.
64. Power to Local Authority to require an additional Supply of Water to Common Lodging Houses -	1856, § 36.
65. Power to Local Authority to order Reports from Keepers of Common Lodging Houses - -	1856, § 37.
66. Local Authority may remove sick Persons from Common Lodging Houses to Hospitals, &c. - -	1856, § 38.
67. As to giving Notice of Fever, &c. occurring in Common Lodging Houses - - - -	1856, § 39.
68. As to Inspection of Common Lodging Houses -	1856, § 40.
69. As to cleansing of Common Lodging Houses - -	1856, § 41.
70. Conviction for Third Offence, &c. to disqualify Persons from keeping Common Lodging Houses -	1856, § 42.

Clauses.		Provisions of previous Acts.
	PART VI.	
	Sewers, Drains, and Water Supply.	
71.	Sewers to be vested in Local Authority	1848, § 43.
72.	Power to purchase Sewers	1848, § 44.
73.	Power to make Sewers	1848, § 45. 1861, § 4. 1865, § 4.
74.	Powers for utilizing Sewage	1865, § 14.
75.	Power of Entry	1865, § 5. 1848, § 143.
76.	Formation of Special Drainage District	1866, §§ 5, 6.
77.	Power to drain into Sewers of Local Authority	1866, § 8.
78.	Use of Sewers by Persons beyond District	1866, § 9.
79.	Penalty for making unauthorized Drains	1848, § 47.
80.	Estimates for Work	1848, § 85.
81.	Not to build over Sewers	1848, § 47. 1862, § 191.
82.	Sewers to be trapped	1862, § 192.
83.	Distilleries, &c. to deposit Refuse	1862, § 193.
84.	Drain discharging below High-water Mark	1862, § 195.
85.	As to Drainage of Houses	1866, § 10.
86.	Power of borrowing for Sewers	1862, § 196.
87.	Local Authorities may combine	1865, § 9.
88.	Supply of Water	1848, § 75. 1866, § 11.
89.	House without Supply of Water	1848, § 76.
90.	Water for Baths, &c.	1848, § 77.
91.	Cisterns, &c. to be supplied with Water	1848, § 78.
92.	Special Water Supply District	See § 76. *supra.*
93.	Power to borrow for Water Supply	See § 86. *supra.*
94.	Loans from Public Works Loan Commissioners	1865, § 12.
95.	Execution and Maintenance of Works as to Water Supply	See § 87. *supra.*
	PART VII.	
	Assessments.	
96.	Special Drainage Assessment	1865, § 6.

Clauses.	Provisions of previous Acts.
97. Special Water Supply Assessment - -	
98. Assessment for general Expenses incurred in executing the Act - - - - - -	1856, § 56. 1862, § 90.
PART VIII.	
Enforcement of and Procedure under this Act.	
99. Procedure if Local Authority neglect their Duty under this Act - - - - -	1856, § 43. 1866, § 49. 1862, § 445.
100. Provision for Refusal or Neglect of Local Authority	1845, § 87.
101. Procurator Fiscal may sue by Directions of the Board - - - - - -	
102. Duties of Local Authorities as to Inspection of Nuisances, &c.; Procedure where Nuisance beyond District - - - - -	1866, § 20.
103. Local Authority may require Payment of Costs or Expenses from Owner or Occupier, and Occupier paying to deduct from Rent - - -	1866, § 34. 1856, § 55.
104. Penalty for wilful Damage of Works - - -	1866, § 45.
105. Appearance of Local Authorities in legal Proceedings	1866, § 48.
106. Recovery of Penalties - - - - -	1866, § 54.
107. Powers of Act cumulative - - - -	1866, § 55.
108. Form of Application to the Sheriff - - -	1856, § 44.
109. No written Pleadings, &c. allowed - - -	1856, § 45.
110. Appeal in certain Cases - - - - -	1856, § 46.
111. No Appeal otherwise - - - - -	1856, §§ 47, 49.
112. Justices being Members of Local Authority may act	1856, § 48.
113. Service of Notices, Petitions, and Orders - -	1856, § 50.
114. Proof of Resolutions of Local Authority and Board -	1856, § 51.
115. One or more Joint Owners may be proceeded against alone - - - - - - - -	1856, § 52.
116. Penalty on Occupier obstructing Owner - -	1856, § 53.
117. Penalty for violating Act or obstructing its Execution - - - - - - - -	1856, § 54.
118. Works of Distribution of Sewage to be deemed a Land Improvement - - - -	1865, § 15.
119. Compensation to be made - - - -	1865, § 8.

Clauses.	Provisions of previous Acts.
120. Convictions not void from Want of Form, &c. -	
121. Local Authority or Board not liable for Irregularity of their Officers - - - -	
122. As to Forms to be used - - - -	1856, § 57.
123. Exemption from Stamp Duties - - -	
124. Police Constables to aid in executing Act - -	1856, § 58.
125. Act not to impair Right of Action, &c. - -	1856, § 59.
SCHEDULE.	

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Consolidate and amend the Law relating to the Public Health in Scotland.

WHEREAS it is expedient to consolidate and amend the Laws applicable to Scotland for Removal of Nuisances, for Prevention of Diseases, and for Sanitary Purposes generally: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: **Preamble.**

Preliminary.

1. This Act may be cited for all Purposes as the "Public Health (Scotland) Act, 1867." **Short Title.**

2. From and after the First Day of November One thousand eight hundred and sixty-seven, the Nuisances Removal (Scotland) Act, 1856, and Sections 441 to 447, both inclusive, of the General Police and Improvement (Scotland) Act, 1862, and also the Sewage Utilization Act, 1865, and the Sanitary Act, 1866, so far as these Two last-mentioned Acts apply to Scotland, are repealed: **Repeal of 19 & 20 Vict. c. 103., and Sections of 25 & 26 Vict. c. 101., 28 & 29 Vict. c. 75., 29 & 30 Vict. c. 90.**

repealed: Provided always, that all Proceedings commenced or taken under the said Acts or any of them, and not yet completed, may be proceeded with under the said Acts or any of them, or under this Act; and all Orders in Council, and all Directions and Regulations issued by the Board of Supervision under the said Acts or any of them, and all Appointments made, and all Contracts or Works undertaken, and generally all Claims, Rights, and Liabilities, Civil or Criminal, constituted or existing under the said Acts, before the passing of this Act, with the Remedies and Proceedings applicable thereto under the said Acts or this Act, shall continue and be as effectual as if the said Acts had not been repealed; and where in any Enactments of any Act, General or Local, which shall continue in force after the Commencement of this Act, any of the Acts or Parts of Acts hereby repealed is cited or referred to, such Enactments shall be interpreted as if this Act were cited or referred to therein, and as if the Provisions of this Act were substituted for the Provisions hereby repealed.

Interpretation of certain Terms.

3. In this Act the following Words and Expressions shall have the Meanings herein-after assigned to them, unless such Meaning is inconsistent with the Context:

The Word "Board" shall signify the Board of Supervision for the Relief of the Poor in Scotland:

The Word "Secretary" shall include Assistant Secretary:

The Expression "Medical Officer" shall signify a duly qualified Medical Practitioner appointed under the Act Eighth and Ninth Victoria, Chapter Eighty-three, or under this Act:

The Word "Sheriff" shall include Sheriff Substitute:

The Word "Burgh" shall include not only Royal Burgh, Parliamentary Burgh, Burgh incorporated by Act of Parliament, Burgh of Barony, and Burgh of Regality, but also any populous Place having a Town Council, Police Commissioners or Trustees exercising the Functions of Police Commissioners under any General or Local Act:

The Word "Magistrate" shall include a Magistrate or Judge having Police Jurisdiction under the General Police and Improvement (Scotland) Act, 1862, or under any General or Local Police Act which may be in force:

The Word "Decree" or "decern" shall include any Warrant, Sentence, Judgment, Order, or Interlocutor:

The Word "Owner" shall signify the Person for the Time entitled to receive, or who would, if the same were let, be entitled to receive, the Rents of the Premises, and shall include a Trustee, Factor, Tutor, or Curator, and in case of Public or Municipal Property

Property shall apply to the Persons to whom the Management thereof is intrusted:

The Word "Ship" shall include any Sailing or Steam Ship, Vessel, or Boat:

The Word "Premises" shall include Lands, Buildings, Structures of any Kind, Streams, Lakes, Drains, Ditches, or Places open, covered, or inclosed, and any Ship, lying in any Sea, River, Harbour, or other Water, or ex adverso of any Place within the Limits of the Local Authority:

The Word "Person," and Words applied in this Act to any Person or Individual, shall apply to and include Women, Corporations, Clubs, Societies, Statutory Boards, Joint Stock Companies, Partnerships, Joint Owners, and Joint Occupants:

The Expression "Author of a Nuisance" shall signify the Person through whose Act or Default the Nuisance is caused, exists, or is continued, whether he be the Owner or Occupier, or both:

The Expression "Common Lodging House" shall signify a House or Part thereof where Lodgers are housed at an Amount not exceeding Fourpence per Night for each Person, whether the same be payable nightly or weekly, or at any Period not longer than a Fortnight, or where the House is licensed to lodge more than Twelve Persons:

The Expression "Keeper of a Common Lodging House" shall include any Person having or acting in the Care and Management of a Common Lodging House.

Incorporation of Lands Clauses Acts.

4. "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall, for the special Purposes herein-after mentioned, be incorporated with and form Part of this Act, and shall be herein-after referred to as "The Lands Clauses Acts."

PART I.

Local Authority and Board of Supervision.

As to Local Authorities to execute this Act.

5. The following Bodies shall respectively be the Local Authority to execute this Act in the Districts hereunder stated in Scotland:

In Places within the Jurisdiction of any Town Council, and not subject to the Jurisdiction of Police Commissioners or Trustees as after mentioned,—the Town Council:

In Places within the Jurisdiction of Police Commissioners or Trustees exercising the Functions of Police Commissioners under any General or Local Act,—the Police Commissioners or Trustees:

In any Parish, or Part thereof, over which the Jurisdiction of a Town Council or of Police Commissioners or Trustees exercising the Functions of Police Commissioners does not extend,—the Parochial Board of such Parish:

Board of Supervision to determine the Local Authority in Parishes not wholly within the Jurisdiction of a Town Council, &c.

Provided always, that where any Parish shall be partly within and partly beyond the Jurisdiction of a Town Council and of Police Commissioners or Trustees, and of a Parochial Board, or of any Two or more of such Bodies, the Board, if Application be made to them by any of these Bodies, or by any Person having Interest, may, if they see fit, determine which of the said several Bodies shall be the Local Authority within the whole Limits or within any Portion of such Parish, and the Board may from Time to Time recal or vary such Determination; and provided further, that all Determinations already made under the Fifth Section of the Nuisances Removal (Scotland) Act, 1856, shall be valid and effectual till recalled or varied under this Act.

Where District in more than One County.

6. Where any Parish or Burgh shall be situated in more than One County, the Board shall, on Application being made to them by any Person having Interest, determine in which One of such Counties such Parish or Burgh shall be held to be situated for the Purposes of this Act, whose Decision shall be final; and the Jurisdiction and Powers of Magistrates, Justices, and Sheriffs, and the Powers of their Officers under this Act, shall be regulated accordingly, and the Board may from Time to Time recal or vary such Determination; provided always, that all Determinations already made under the Fifth Section of the Nuisances Removal (Scotland) Act, 1856, shall be valid and effectual till recalled or varied under this Act.

Local Authorities to be Bodies Corporate. Committees may be appointed.

7. The Local Authorities shall respectively be Bodies Corporate, designated by such Names as they may usually bear or adopt, with Power to sue and be sued in such Names, and to hold Lands for the Purposes of this Act; and the Local Authority may appoint any Committee or Committees of their own Body to receive Notices, to take Proceedings, and in all or certain specified respects to execute this Act, whereof Two shall be a Quorum, unless a larger Quorum be specified in their Appointment; and such Local Authority or their Committee, thereto duly authorized, may, by Minute or other Writing signed by the Chairman of such Body or Committee, empower any Officer or Person to make Complaints and take Proceedings on their Behalf; and all Acts done or Proceedings taken by or against such Committee or Officer or Person shall be as valid as if they were done by or taken in the Name of all the Members of the Local Authority; and the Local Authority shall have Power to commence or carry on all Proceedings commenced, or which might have been commenced before the passing of this Act, by the Local Authority under

under any of the before repealed Acts, and shall be vested with all Property or pecuniary Claims so vested in such last-mentioned Local Authority.

Local Authority to appoint Sanitary Inspectors and other Officers.

8. The Local Authority may, and where it shall be thought necessary by the Board for the Purposes of this Act, they shall appoint a Sanitary Inspector or Inspectors, who shall be also Inspector or Inspectors of Common Lodging Houses, and a Medical Officer or Medical Officers, and may make Byelaws for regulating the Duties of such Inspectors and Medical Officers, which Byelaws shall not be effectual until they are approved of by the Board; and the Local Authority shall appoint convenient Places for their Offices, and shall allow to every such Inspector or Medical Officer on account of his Employment a proper Salary; and if no such Inspector or Medical Officer is appointed the Local Authority shall, in all Cases in which any Duty is laid on them by this Act, appoint some Person, where the same shall be necessary, to perform such Duty, and shall remunerate him as they shall see fit; and the Names and Addresses and Salaries of the said Inspectors and Medical Officers shall be reported by the Local Authority to the Board immediately on such Persons being appointed and such Salaries fixed; and the said Inspectors and Medical Officers shall be bound to make such Returns and Special Reports to the Board as the Board shall require them to make; and the said Inspectors shall be removable from Office only by the Board.

Powers of the Board to require Returns an examine Witnesses.

9. It shall be lawful for the Board, upon written Application by Two or more Parties interested or upon the Report of any of their Inspecting Officers, to inquire into the Sanitary Condition of any Parish or Burgh in Scotland; and for this Purpose the Board are hereby empowered to make Inquiries, and require Answers or Returns to be made to the Board upon any Question or Matter connected with or relating to the Purposes of this Act, and also by a Summons, signed by One of their Number or by the Secretary, to require the Attendance of all such Persons as they may think fit to call before them upon any such Question or Matter, and to administer Oaths to and examine upon Oath all such Persons, and to require and enforce the Production upon Oath of all Books, Contracts, Agreements, Accounts, and Writings, or Copies thereof respectively, in anywise relating to any such Question or Matter, or in lieu of requiring such Oath as aforesaid, the Board may, if they think fit, require any such Person to make and subscribe a Declaration of the Truth of the Matters respecting which he shall have been or shall be so examined.

Board may authorize Special Inquiries to be made.

10. It shall and may be lawful for the Board, whenever it may seem fitting to them, to authorize and empower for a limited Time One of the Members thereof to conduct any Special Inquiry in any Part of Scotland, and to report thereon to the Board; and such Member so authorized and empowered shall be entitled to summon and examine on Oath Witnesses and Havers, and to exercise all such other of the Powers by this Act given to the Board as may be necessary for conducting such Inquiry, and such Member shall be reimbursed by the Board of all Expenses necessarily incurred by him in conducting such Inquiry, and such Expenses shall be deemed Part of the Expenses attending the Execution of this Act, and be defrayed in the same Manner as the General Expenses of the Board are now defrayed.

Board may appoint Commissioners for conducting Special Inquiries.

11. It shall and may be lawful for the Board, whenever it may seem fitting to them, with the Consent of One of Her Majesty's Principal Secretaries of State or of Her Majesty's Advocate for Scotland, or whenever the Board may be thereunto required by One of Her Majesty's said Secretaries of State or by Her Majesty's Advocate, to appoint some Person, not being a Member of the Board, but being a Member of the Faculty of Advocates, or a duly qualified Medical Practitioner, or an Architect or Surveyor or Engineer, or Two or more of such Persons, to act as a Commissioner or Commissioners for the Purpose of conducting any Special Inquiry for a Period not exceeding Forty Days, and to report thereon; and the Board shall delegate to every Person so appointed for the Purpose of conducting such Inquiry, all such of the Powers of the Board as they may deem necessary or expedient for summoning or examining Witnesses and Havers, and otherwise conducting such Inquiry; and every such Appointment shall be subject to the Approval of One of Her Majesty's said Secretaries of State or of Her Majesty's said Advocate; and every Person so appointed as aforesaid to conduct any Special Inquiry shall, before he enter on the Execution of his Duties, take an Oath de fideli administratione officii, which Oath may be administered to him by any Member of the Board, or by any One of the Judges of the Court of Session, or by the Sheriff of any County; and it shall not be necessary to notify the Appointment of any such Commissioner otherwise than by intimating the same by Letter under the Hand of the Secretary, or of any Member of the Board, to the Sheriff of the County within which the Inquiry in question is to be made; and every such Commissioner shall be reimbursed by the Board for all Expenses necessarily incurred by him in conducting such Inquiry, and shall also receive such reasonable Remuneration for his Time and Trouble as may have been agreed upon between him and the said Board, and approved of by Her Majesty's Secretary

Secretary of State or Advocate; and failing of any such Agreement the Amount of the Remuneration shall be fixed by the Commissioners of Her Majesty's Treasury, or by such Person or Persons as they shall name.

Board may allow Expenses of Witnesses, &c.

12. It shall be lawful for the Board, in any Case where they see fit, to order and allow such Expenses of Witnesses, and such Expenses of or concerning the Production of any Books, Contracts, Agreements, Accounts, or Writings, or Copies thereof, to or before the said Board, or Member thereof, or Commissioner or Commissioners, as such Board may deem reasonable; and such Expenses so ordered and allowed shall be deemed Part of the Expenses attending the Execution of this Act, and be defrayed in the same Manner as the general Expenses of this Board are now defrayed.

Penalties on Parties giving false Evidence or refusing to obey Summons of the Board.

13. If any Person, upon any Examination on Oath under the Authority of this Act, shall wilfully give false Evidence, he shall be deemed guilty of Perjury, and shall be liable to the Pains and Penalties thereof; and in case any Person shall wilfully refuse to attend in obedience to any Summons of the Board, or Member or Commissioner authorized or appointed by the Board as aforesaid, or to give Evidence, or shall wilfully refuse to produce any Books, Contracts, Agreements, Accounts, and Writings, or Copies of the same, which may be required to be produced before the Board, or Member thereof, or Commissioner or Commissioners, or shall wilfully neglect or disobey any of the Orders of the Board, or Member or Commissioner, or be guilty of any Contempt of the Board, or Member or Commissioner, such Person being thereof lawfully convicted, shall forfeit and pay for the First Offence any Sum not exceeding Five Pounds; for the Second and every subsequent Offence any Sum not exceeding Twenty Pounds nor less than Five Pounds.

Power of Board to appoint Clerks, &c.

14. The Board are hereby empowered from Time to Time to appoint all such Officers and Clerks as they shall deem necessary, and from Time to Time, at the Discretion of the Board, to remove such Officers and Clerks, or any of them, and to appoint others in their Stead; provided that the Amount of the Salaries of such Officers and Clerks shall from Time to Time be regulated by the Commissioners of Her Majesty's Treasury; and the Name of every Person so appointed or removed as aforesaid shall forthwith be intimated to One of Her Majesty's Principal Secretaries of State for his Approval, who shall be understood to approve of such Appointment or Removal, if no Notice to the contrary be received by the Board within Twenty-one Days from the Day of the Date of such Intimation.

Salaries of Legal Members of Board.

15. The Sheriffs of Perth, Renfrew, and Ross and Cromarty shall each receive, so long as they act as Members of the Board of Supervision, the Sum of One hundred and fifty Pounds Sterling per Annum, and such Allowance shall come in place of the Allowance of One hundred Pounds Sterling provided to the said Sheriffs by the Act Eighth and Ninth of Her Majesty, Chapter Eighty-three, Section Four.

PART II.

Removal of Nuisances.

Description of Nuisances under this Act.

16. The Word "Nuisance" under this Act shall include—

(*a.*) Any Insufficiency of Size, Defect of Structure, Defect of Ventilation, Want of Repair or proper Drainage, or suitable Watercloset, or Privy Accommodation or Cesspool and any other Matter or Circumstance rendering any inhabited House, Building, Premises, or Part thereof, unwholesome for the Inmates or unfit for Human Habitation or Use:

(*b.*) Any Pool, Watercourse, Ditch, Gutter, Drain, Sewer, Privy, Urinal, Cesspool, or Ashpit so foul as to be injurious to Health, or any Well or other Water Supply used as a Beverage or in the Preparation of Human Food, the Water of which is so tainted with Impurities or otherwise unwholesome as to be injurious to the Health of Persons using it, or calculated to promote or aggravate epidemic Disease:

(*c.*) Any Stable, Byre, Pigstye, or other Building in which any Animal or Animals are kept in such a Manner as to be injurious to Health:

(*d.*) Any Accumulation or Deposit of Manure or other offensive Matter within Fifty Yards of any Dwelling House within the Limits of any Burgh, or wherever situated, if offensive or injurious to Health:

(*e.*) Any Work, Manufactory, Trade, or Business offensive or injurious to the Health of the Neighbourhood, or so conducted as to be offensive or injurious to Health:

(*f.*) Any House or Part of a House so overcrowded as to be dangerous or injurious to the Health of the Inmates:

(*g.*) Any Factory, Workshop, or Workplace, not under the Operation of any General Act for the Regulation of Factories or Bakehouses, and not kept in a cleanly State, or not ventilated in such a Manner as to render harmless, as far

far as practicable, any Gases, Vapours, Dust, or other Impurities generated in the course of the Work carried on therein, and injurious or dangerous to the Health of Persons employed therein, or any such Factory, Workshop, or Workplace as is so overcrowded, while Work is carried on therein, as to be dangerous or injurious to the Health of those employed therein:

(*h.*) Any Fireplace or Furnace which does not as far as practicable consume the Smoke arising from the combustible Matter used in such Fireplace or Furnace, and is used within any of the Places to which the Acts of the Twentieth and Twenty-first of Her Majesty, Chapter Seventy-three, and of the Twenty-fourth of Her Majesty, Chapter Seventeen, apply, for working Engines by Steam, or in any Mill, Factory, Dyehouse, Brewery, Bakehouse, or Gaswork, or in any Manufactory or Trade Process whatsoever:

(*i.*) Any Chimney (not being the Chimney of a private Dwelling House) sending forth Smoke, so as to be offensive or injurious to Health:

Provided that in Places where at the Time of the passing of this Act no Enactment is in force compelling Fireplaces or Furnaces to consume their own Smoke, the foregoing Enactment as to Fireplaces and Furnaces consuming their own Smoke shall not come into operation until the Expiration of One Year from the Date of the passing of this Act:

(*j.*) Any Churchyard, Cemetery, or Place of Sepulture so situated or so crowded with Bodies or otherwise so conducted as to be offensive or injurious to Health.

Power of Entry to Local Authority or their Officers.

17. If the Local Authority or Sanitary Inspector have reasonable Grounds for believing that Nuisance exists in any Premises, such Local Authority or Inspector may demand Admission for themselves, the Superintendent of Police, and the Medical Officer, or any other Person or Persons whom the Local Authority may desire to inspect such Premises, or for any or all of them, to inspect the same at any Hour between Nine in the Morning and Six in the Evening, or at any Hour when the Operations suspected to cause the Nuisance are in progress or are usually carried on; and if Admission be refused, the Local Authority or Sanitary Inspector may apply to the Sheriff, or to any Magistrate or Justice of the Peace having Jurisdiction in the Place, stating on Oath such Belief; and such Sheriff, Magistrate, or Justice may, with or without Intimation to the Owner, Occupier, or Person in charge of the Premises, by Order in Writing, in the Form of Schedule A. hereto

hereto annexed, or as near thereto as Circumstances admit, require the Occupier or Person having the Custody of such Premises to admit the Local Authority and others foresaid; and if such Occupier or Person refuse or fail to obey such Order, he shall on Conviction of such Offence be liable to a Penalty not exceeding Five Pounds; and on being satisfied of such Failure or Refusal, the Sheriff, Magistrate, or Justice may grant Warrant to such Person or Persons for immediate forcible Entry into the Premises; and if no such Occupier or Person can be discovered, or if no Person is found on the Premises to give or refuse Admission, the Local Authority or their Officers may enter the Premises without any Order or Warrant, and forcibly, if need be.

Proceedings by Local Authority when Nuisances are ascertained to exist.

18. In any Case where the Existence of a Nuisance is ascertained to their Satisfaction by the Local Authority, or is certified to them in Writing, signed by the Medical Officer, or where the Nuisance in the Opinion of the Local Authority did exist at the Time when Demand of Admission was made or the Certificate was given, and although the same may have been since removed or discontinued, is in their Opinion likely to recur or to be repeated, they may apply to the Sheriff or to any Magistrate or Justice, by summary Petition in manner herein-after directed, and if it appear to his Satisfaction that the Nuisance exists, or if removed or discontinued since the Demand of Admission was made or the Certificate was given, that it is likely to recur or to be repeated, he shall decern for the Removal or Remedy or Discontinuance or Interdict of the Nuisance, as herein-after mentioned; provided that in the Cases under the Heads marked (*e.*) and (*g.*) in Section Sixteen such Application shall be made only on Medical Certificate as aforesaid, or on a Requisition in Writing under the Hands of any Ten Inhabitants of the District of the Local Authority; and that in these Cases, and the Cases under the Heads marked (*h*) and (*i*) in said Sections, shall be made only to the Sheriff; and farther, that in the Cases under the Head marked (*j.*) in Section Sixteen it shall not be necessary to cite any Person as the Author of the Nuisance, but such Application shall be proceeded with by the Sheriff (to whom alone it shall be made) after such Intimation to the Collector of the Churchyard or other Dues, or to such other Person as to the Sheriff shall seem meet; and such Person or Persons as shall appear after such Intimation shall, if the Sheriff think proper, be allowed to be heard and to object to such Application in the same Manner as if he or they were the Author of the alleged Nuisance within the Meaning of this Act.

Form of Interlocutor.

19. It shall not be necessary to restrict such Decree to any special Remedy prayed for in the Petition, but, as the Case shall require,

require, the Author of the Nuisance or Owner of the Premises may be ordained to provide sufficient Privy or Watercloset or Ashpit Accommodation, Means of Drainage or Ventilation for, or to repair, make safe, and habitable, or to floor, pave, cleanse, whitewash, disinfect, or purify, the Dwelling House, Building, or Premises, or to drain, empty, cleanse, fill up, cover, repair, or remove any Pool, Ditch, Gutter, Watercourse, Privy, Cesspool, Drain, or Ashpit, or to shut up or purify any Well, or to provide a Substitute for that complained of, or to abstain from any Operation which may pollute a Well or Stream from which the Inhabitants obtain a Supply of Water, or to cease to use the Water of any Well or Stream as a Beverage or in the Preparation of Human Food, or to remove the Animal, or to carry away the offensive Matter, or to discontinue the Work, Trade, Manufactory, or Business, or prevent the injurious Effects thereof (according to the Nature of the Case), or to limit the Number of Persons who may be accommodated in any House or Part thereof overcrowded, or the Number of separate Dwellings into which such House or Part thereof may be divided or let for the Use of separate Families or Persons, or to increase the Means of Ventilation, or to shut up or regulate the Use of any Churchyard, Cemetery, or Place of Sepulture, or to do such other Works or Acts as are necessary to remove the Nuisance complained of, in such Manner and within such Time as in the Interlocutor shall be specified; and if the Sheriff, Magistrate, or Justice is of opinion that such or the like Nuisance is likely to recur, he may further grant Interdict against the Recurrence of it, or do otherwise, as the Case may in his Judgment require; and if the Nuisance proved to exist be such as to render a House or Building unfit for Human Habitation, he may prohibit the using thereof for that Purpose until it is rendered fit for that Purpose, or do otherwise as the Case may in his Judgment require.

Penalty for Contravention of Decree and of Interdict.

20. If the said Decree be not complied with in good and sufficient Manner, and within the Time appointed, the Author of the Nuisance, or the Owner, as the Case may be, shall be liable, in the Case of Nuisances specified in Clauses (*a.*), (*b.*), (*c.*), (*d.*), (*f.*), (*i.*), and (*j.*) in Section Sixteen of this Act, to a Penalty of not more than Ten Shillings per Day during his Failure so to comply; and if the said Interdict be knowingly infringed by the Act or Authority of the Owner or Occupier, such Owner or Occupier shall be liable for every such Offence to a Penalty not exceeding Twenty Shillings per Day during such Infringement; and in the Case of Nuisances specified in Clauses (*e.*), (*g.*), and (*h.*) in the said Section, the Party not complying with or infringing such Decree shall be liable to a Penalty not exceeding Five Pounds nor less than Two Pounds for

the First Offence, and of Ten Pounds for the Second, and for each subsequent Conviction a Sum double the Amount of the Penalty in the last preceding Conviction, but no Penalty shall exceed Two hundred Pounds: Provided always, in the Case of such last-mentioned Nuisance (*h.*), that if it appears to the Sheriff, that the best Means then known to be available for mitigating the Nuisance, or the injurious Effects thereof, have not been adopted, he may suspend his final Determination, upon Condition that the Author of the Nuisance shall undertake to adopt within a reasonable and definite Time such Means as he shall judge to be practicable, and order to be carried into effect, for mitigating or preventing such injurious Effects.

Order when structural Works are required.

21. When it shall appear to the Sheriff, Magistrate or Justice, that the Execution of structural Works is required for the Removal or Remedy of a Nuisance, he may appoint such Works to be carried out under the Direction and subject to the Approval of any Person he may appoint; and he may, before making his Order, require the Local Authority, within a Time to be specified by him, to furnish him with an Estimate of the Cost of the required Works.

Local Authority to do Works on Owner's or Occupier's Default, or if Person causing Nuisance cannot be found.

22. In case of Noncompliance with or Infringement of any Decree aforesaid, the Sheriff, Magistrate, or Justice may, on Application by the Local Authority, grant Warrant to such Person or Persons as he may deem right to enter the Premises to which such Decree relates, and remove or remedy the Nuisance thereby condemned or interdicted, and do whatever may be necessary in execution of such Decree; or if in the original Application it appears to his Satisfaction that the Author of the Nuisance is not known or cannot be found, then such Decree may at once ordain the Local Authority to execute the Works thereby directed; and all Expenses incurred by the Local Authority in executing the Works may be recovered from the Author of the Nuisance or the Owner of the Premises.

Manure, &c. to be sold.

23. Any Thing removed by the Local Authority in pursuance of this Act may be sold by Public Roup, after not less than Five Days Notice by printed Handbills posted in the Locality, except in Cases where Delay would be prejudicial to Health, in which Case the Sheriff, Magistrate, or Justice may, by Writing under his Hand, order the immediate Removal, Sale, or Destruction of the Thing, and the Proceeds of the Sale shall be retained by the Local Authority, and applied pro tanto in Payment of all Expenses incurred under this Act with reference to such Nuisance; and the Surplus,

Surplus, if any, shall be paid, on Demand, by the Local Authority, to the Owner of such Thing; and the Balance of such Expenses shall be defrayed, if such Proceeds are insufficient for that Purpose, by the Author of the Nuisance or the Owner of the Premises.

Foul Ditches, &c. may be replaced by Sewers.

24. Whenever any Watercourse, Ditch, Gutter, or Drain along the Side of any public Road, Street, or Lane shall be used or partly used for the Conveyance of any Water, Sewage, or other Matter from any Premises, and cannot in the Opinion of the Local Authority be rendered free from Foulness or offensive Smell without the laying down of a Sewer or of some other Structure, such Local Authority shall and they are hereby required, subject to the Approval of the Board, to lay down such Sewer or other Structure within the Limits of their District, or, where necessary for the Purpose of Outfall or Distribution of Sewage, without their District, and to keep the same in good and serviceable Repair; and they may enter any Premises for such Purposes, and use such Part thereof as shall be necessary, and for such Use shall pay such Damages as may be assessed by the Sheriff on a summary Application, and to such Party as the Sheriff may direct; and such Local Authority are hereby authorized and empowered to assess the Owners of all the Premises (according to the yearly Value thereof) from which then or at any Time thereafter any Material other than pure Water is carried into the said Sewer or other Structure, for Payment of all Expenses incurred in making and maintaining the same, and that either in One Sum or in Instalments, as they shall think just and reasonable, and after Fourteen Days Notice at the least left with the said Owners, if resident within the District, and if not so resident with the Occupiers of the said Premises, to levy and collect the Sums so assessed, with the same Remedies in case of Default in Payment thereof, as the Prison Assessment is by the Law in force for the Time being leviable and collected, and with the same Right and Power of Appeal against the Amount of such Assessment as by the Law for the Time being in force are given in reference to such Prison Assessment.

Act not to affect Navigation of Rivers or Canals, or Irrigation of Lands.

25. Nothing in this Act contained shall enable any Local Authority or other Person to injuriously affect the Navigation of any River or Canal, or the Irrigation of Lands in Rural Districts, or to divert or diminish any Supply of Water of Right belonging to any such River or Canal, or used for the Irrigation of Lands in Rural Districts.

Penalty on Sale of unwholesome Meat.

26. The Sanitary Inspector may at all reasonable Times enter any Premises to inspect and examine any Carcass, Meat, Poultry, Game,

Game, Flesh, Fish, Fruit, or Vegetables exposed for Sale, or which there is probable Cause for believing to be intended for Human Food; and in case any such Carcass, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables appear to him to be unfit for such Food, the same may be seized without any Warrant; and if it appear to the Sheriff, Magistrate, or Justice, that any such Carcass, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables are unfit for the Food of Man, he shall, by a Writing under his Hand, order the same to be destroyed, or to be so disposed of as to prevent the same being exposed for Sale or used for such Food; and the Person to whom such Carcass, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables belong, or in whose Custody the same are found, shall be liable to a Penalty not exceeding Ten Pounds for such Carcass, Fish, Piece of Meat, Flesh, Fish, Poultry, Game, Fruit or Vegetables, and also to pay all Expenses caused by the Seizure, Detention, or Disposal thereof.

Penalty for causing Water to be corrupted by Gas Washings, &c.

27. Any Person engaged in the Manufacture of Gas, Naphtha, Vitriol, Paraffine, or Dye Stuffs, or any other deleterious Substance, or in any Trade in which the Refuse produced in any such Manufacture is used, who shall at any Time cause or suffer to be brought or to flow into any Stream, Reservoir, Aqueduct, Well, or Pond, or Place for Water, constructed or used for the Supply of Water for domestic Purposes, or into any Pipe or Drain communicating therewith, any Product, Washing, or other Substance produced in any such Manufacture, or shall wilfully do any Act connected with any such Manufacture, whereby the Water in any such Stream, Reservoir, Aqueduct, Well, Pond, or Place for Water shall be fouled, and any Person who shall wilfully do or permit to be done any Act whereby the Water in any Stream, Reservoir, Aqueduct, Well, Pond, or Place constructed for the Supply of Water for domestic Purposes shall be fouled, shall forfeit for every such Offence a Sum not exceeding Fifty Pounds.

Such Penalties, &c. to be sued for within Six Months.

28. Such Penalty may be recovered, with Expenses, by the Person into whose Water such Product, Washing, or other Substance shall be conveyed or shall flow, or whose Water shall be fouled by any such Act as aforesaid, or in default of Proceedings by such Person, after Notice to him from the Local Authority of their Intention to proceed for such Penalty, or if there be no such Person, by the Local Authority; but such Penalty shall not be recoverable unless it be sued for during the Continuance of the Offence, or within Six Months after it shall have ceased.

Daily Penalty during the

29. In addition to the said Penalty (and whether such Penalty shall have been recovered or not), the Person so offending shall forfeit

forfeit a Sum not exceeding Five Pounds (to be recovered in the like Manner) for each Day during which such Product, Washing, or other Substance shall be brought or shall flow as aforesaid, or during which the Act by which such Water shall be fouled shall continue, after the Expiration of Twenty-four Hours from the Time when Notice of the Offence shall have been served on such Person by the Local Authority, or by the Person into whose Water such Product, Washing, or other Substance shall be brought or flow, or whose Water shall be fouled thereby, and such Penalty shall be paid to the Local Authority or Person from whom such Notice shall proceed; and all Monies recovered by the Local Authority under this or the preceding Section shall, after Payment of any Damage caused by the Act for which the Penalty is imposed, be applied towards defraying the Expenses of executing this Act.

Continuance of the Offence.

30. The Business of a Blood Boiler, Bone Boiler, Tanner, Slaughterer of Cattle, Horses, or Animals of any Description, Soap Boiler, Skinner, Tallow Melter, Tripe Boiler, or other Business, Trade, or Manufacture offensive or injurious to Health, shall not, after the passing of this Act, be newly established in any Building Place within any Burgh or Village, or within Five hundred Yards therefrom, without the Consent in Writing of the Local Authority previously had and obtained, and published in One more Newspapers circulating within the District; and if any Question arises under this Section as to the Existence or Limits of a Burgh or Village, or as to the Extent included within the said Five hundred Yards, or as to whether a Business, Trade, or Manufacture is offensive or injurious to Health, or as to whether such Consent ought to have been given, any such Question shall be finally determined by the Board; and the Party dissatisfied may bring the same before the Board within Twenty-one Days after the Resolution or Order of the Local Authority has been published as aforesaid; and any Person contravening this Enactment shall, in addition to Discontinuance of such Business, Trade, or Manufacture, be liable for each Offence to a Penalty not exceeding Fifty Pounds, and a further Penalty of not exceeding Forty Shillings for each Day during which the Offence is continued; and the Local Authority may from Time to Time make such Byelaws with respect to any such Businesses so newly established as they may think necessary, and in order to prevent or diminish the noxious or injurious Effect thereof.

Offensive Trades to be subject to Regulations.

PART III.

Prevention and Mitigation of Diseases under Order in Council.

Privy Council empowered to issue Orders for Prevention of Diseases.

31. Whenever any Part of the United Kingdom appears to be threatened with or is affected by any formidable epidemic, endemic, or contagious Disease, the Lords and others of Her Majesty's Most Honourable Privy Council, or any Three or more of them (the Lord President of the Council or One of Her Majesty's Principal Secretaries of State being One), may, by Order or Orders by them from Time to Time made, direct that the Provisions for the Prevention of Diseases contained in Part III. hereof be put in force in Scotland, or in such Parts thereof or in such Places therein as in such Order or Orders may be expressed, and may from Time to Time, as to all or any of the Parts or Places to which any such Order or Orders extend, and in like Manner, revoke or renew any such Order; and, subject to Revocation and Renewal as aforesaid, every such Order shall be in force for Six Calendar Months, or for such shorter Period as in such Order shall be expressed; and every such Order of Her Majesty's Privy Council or any Members thereof as aforesaid shall be certified under the Hand of the Clerk in Ordinary of Her Majesty's Privy Council, and shall be published in the Edinburgh Gazette, and such Publication shall be conclusive Evidence of such Order.

When Order is issued, Board to be vested with certain Powers.

32. When any such Order has been issued, the Board shall be vested with the Powers after provided; and it shall be lawful for Her Majesty to appoint the Sheriff of any County in Scotland, other than Renfrew, Perth, or Ross and Cromarty, to be an additional Member of the Board during the Subsistence of such Order, and such Sheriff shall receive such Remuneration as the Commissioners of Her Majesty's Treasury may think proper, not exceeding One hundred and fifty Pounds per Annum, to be paid out of Money to be voted for that Purpose by Parliament; and the Board may also appoint a General or Superintending Medical Officer to act under their Directions during such Period, and such Officer shall receive a Salary to be fixed and paid in like Manner; and the Board may, with the Sanction of the said Commissioners of Her Majesty's Treasury, employ such additional Clerks as may be necessary during such Period; and the Salary of such Clerks and the Office Expenses incurred under this Act shall be defrayed in the same Manner as the general Expenses of the Board are now defrayed.

Power to appoint a Medical Officer and additional Clerks.

33. From

Board may issue Regulations to carry out such Provisions of Order.

33. From Time to Time, after the issuing of any such Order as aforesaid, and whilst the same continues in force, the Board may issue such Directions and Regulations as they shall think fit for the Prevention, as far as possible, or Mitigation of such epidemic, endemic, or contagious Diseases, and from Time to Time may revoke, renew, and alter any such Directions and Regulations; and the same shall extend to all Parts or Places in which the Provisions of this Act for the Prevention and Mitigation of Disease shall, for the Time being, be put in force under such Orders as aforesaid, unless such Directions and Regulations be expressly confined to some of such Parts or Places, and then to such Parts or Places as therein are specified; and (subject to the Power of Revocation and Alteration herein contained) such Directions and Regulations shall continue in force so long as the said Provisions of this Act shall, under such Order, be applicable to the same Parts or Places; and all such Directions and Regulations shall be published by being inserted in the Edinburgh Gazette, which Publication shall be conclusive Evidence thereof, and may be further published, and may be specially communicated to any Local Authority, by the Secretary of the Board, as the Board may direct.

Local Extent and Duration of the Regulations of the Board.

Publication of Rules and Regulations.

Orders of Council, Directions and Regulations of Board, to be laid before Parliament.

34. Every Order of Her Majesty's Privy Council, and Direction and Regulation of the Board under Part III. of this Act, shall be laid before both Houses of Parliament forthwith upon the issuing thereof, if Parliament be then sitting, and if not then within Fourteen Days next after the Commencement of the then next Session of Parliament.

Matters to be provided for by such Regulations.

35. The Board, by such Directions and Regulations, may provide,

For the speedy Interment of the Dead:

For House to House Visitation:

For the dispensing of Medicines, and for affording to Persons afflicted by or threatened with such epidemic, endemic, or contagious Diseases such Medical Aid and such Accommodation as may be required:

For any such Matters or Things as may to them appear advisable for preventing or mitigating such Diseases:

Local Authority shall execute Regulations, and may direct Prosecution for violating the same.

And the Local Authority shall superintend and see to the Execution of such Directions and Regulations, and shall do and provide all such Acts, Matters, and Things as may be advisable for mitigating such Disease, or for superintending or aiding in the Execution of such Directions and Regulations, or for executing the same, as the Case may require, and may direct any Prosecutions or legal Proceedings for or in respect of the wilful Violation or Neglect

of any such Directions and Regulations, and such wilful Violation or Neglect shall be deemed to be an Offence under this Act.

Power for Local Authority, &c. to enter Premises.

36. The Local Authority acting in the Execution of such Directions and Regulations, or the Officers or Persons by them in this Behalf authorized, may enter at reasonable Times in the Daytime and inspect any Premises where they have Ground for believing that any Person has recently died of any such Disease, or that Necessity may otherwise exist for executing in relation to the Premises any of such Directions and Regulations.

When Order in Council in force, overcrowded Houses to come under Common Lodging Houses Provisions.

37. When any such Order in Council is in force in any Place, on the Certificate of a Sanitary Inspector, or of a Medical Officer, or of Two duly qualified Medical Practitioners, or other sufficient Evidence, that any House or Part of a House is so overcrowded as to be dangerous to Health, the Local Authority shall have Power to regulate the same according to the Provisions of this Act in reference to Common Lodging Houses.

Order in Council to extend to Ports and Arms of the Sea.

38. All Orders in Council for executing this Act shall extend to Ports and Arms of the Sea lying within the Jurisdiction of the Admiralty, and adjacent to the Places to which such Orders relate; and the Board may issue, under the said Orders, Directions and Regulations for cleansing, purifying, ventilating, and disinfecting, and preventing Disease in Ships and Vessels, as well upon Arms and Ports of the Sea aforesaid as upon inland Waters.

PART IV.

General Prevention and Mitigation of Disease.

Power to provide Hospitals.

39. The Local Authority may provide within their District Hospitals or temporary Places for the Reception of the Sick, for the Use of the Inhabitants.

Such Authority may build such Hospitals or Places of Reception, provided the Board approve of the Situation and Construction thereof, or they may make Contracts for the Use of any existing Hospital or Part of an Hospital, or for the temporary Use of any Place for the Reception of the Sick.

Such Authority may enter into any Agreement with any Person or Body of Persons having the Management of any Hospital for the Reception of the sick Inhabitants of their District, on Payment by the Local Authority of such annual or other Sum as may be agreed upon.

Two or more Local Authorities having respectively the Power to provide separate Hospitals may combine in providing a Common Hospital, provided the Board approve of the Situation and Construction thereof, and all Expenses incurred by such Authorities in providing such Hospital shall be deemed to be Expenses incurred by them respectively in carrying into effect the Purposes of this Act, and if any Question shall arise as to the Allocation of Expenses, the same shall be determined by the Board, whose Decision shall be final; and such Common Hospital shall be deemed to be for the Purposes of this Act an Hospital within the District of each of the Local Authorities so combining.

Power to provide Means of Disinfection, and Carriages for Conveyance of infected Persons.

40. The Local Authority in each District may provide a proper Place, with all necessary Apparatus and Attendance, for Disinfection of Woollen or other Articles, Clothing, or Bedding which have become infected, and they may cause any Articles brought for Disinfection to be disinfected free of Charge; and it shall be lawful at all Times for the Local Authority to provide and maintain a Carriage or Carriages suitable for the Conveyance of Persons suffering under any contagious or infectious Disease, and to pay the Expense of conveying any Person therein or otherwise to a Hospital or Place for the Reception of the Sick or to his own Home; and farther, if the Local Authority shall be of opinion, upon the Certificate of any legally qualified Medical Practitioner, that the cleansing and disinfecting of any House or Part thereof, and of any Articles therein likely to retain Infection, would tend to prevent or check contagious or infectious Disease, it shall be the Duty of the Local Authority to give Notice in Writing, requiring the Occupier or Owner of such House or Part thereof to cleanse and disinfect the same; and if the Person to whom Notice is so given fail to comply therewith within the Time specified in the Notice, he shall be liable to a Penalty not exceeding One Pound for every Day during which he continues to make default; and the Local Authority shall cause such House or Part thereof to be cleansed and disinfected, and may recover the Expenses incurred from the Occupier or Owner; and when such Occupier or Owner is from Poverty or otherwise unable, in the Opinion of the Local Authority, effectually to carry out such cleansing and Disinfection, the Local Authority may, at their own Expense, cleanse and disinfect such House or Part thereof, and any such Articles therein.

Local Authority may erect public Water-closets, &c.

41. The Local Authority may erect such public Waterclosets, Privies, and Urinals, and in such Situations, as they may think fit, and may defray the Expense thereof, and of keeping the same in Repair and in good Order, and shall cause such Privies to be cleansed daily;

daily; and the Local Authority may also, by written Notice to the Owner or Occupier of any Schoolhouse or of any Factory or Building in which more than Ten Persons are employed at One Time in any Manufacture, Trade, or Business, require them or either of them, within a Time specified, to construct a sufficient Number of Water-closets or Privies for the separate Use of each Sex; and any Person failing to comply with such Notice shall be liable for each Offence in a Penalty not exceeding Twenty Pounds.

Removal of Persons sick of infectious Disorders, and without proper Lodging, in any District.

42. Where a Hospital or Place for the Reception of the Sick is provided or exists within the District of a Local Authority, the Sheriff or any Magistrate or Justice may, on the Application of the Local Authority, with the Consent of the Superintending Body of such Hospital or Place, by Order on a Certificate signed by a legally qualified Medical Practitioner, direct the Removal to such Hospital or Place for the Reception of the Sick, at the Cost of the Local Authority, of any Person suffering from any dangerous, contagious, or infectious Disorder, and being without proper Lodging or Accommodation, or lodged in a Room occupied by others besides those in attendance on such Person, or being on board any Ship or Vessel, or may direct the Removal from the Room occupied by such Person of all others not in attendance on him, the Local Authority providing suitable Accommodation for such other Persons.

Places for the Reception of dead Bodies may be provided at the Public Expense.

43. Any Local Authority may provide a proper Place for the Reception of dead Bodies, and where any such Place has been provided, and any dead Body of One who has died of any infectious Disease is retained in a Room in which Persons live or sleep, or any dead Body which is in such a State as to endanger the Health of the Inmates of the same House or Room is retained in such House or Room, the Sheriff or any Magistrate or Justice may, on a Certificate signed by a legally qualified Medical Practitioner, order by a Writing under his Hand the Body to be removed to such proper Place of Reception at the Cost of the Local Authority, and direct the same to be buried within a Time to be limited in such Order; and unless the Friends or Relations of the Deceased undertake to bury the Body within the Time so limited, and do bury the same, it shall be the Duty of the Local Authority to bury such Body; and it shall also be the Duty of the Local Authority to bury any dead Body found within the District, and which is unclaimed, or which no sufficient Person undertakes to bury; but any Expense so incurred in regard to any such Burial may be recovered by the Local Authority in a summary Manner from any Person legally liable to pay the Expense of such Burial.

Burial of dead Bodies.

44. The

44. The Local Authority having Jurisdiction under this Act in any Burgh or populous Place containing, according to the Census last taken, a Population of not less than One thousand Inhabitants, may, after Publication of the proposed Regulations in One or more Newspapers circulating in the District for One Month, make, with Consent of the Board, Regulations for all or any of the following Matters; that is to say,

In Burghs, &c., the Local Authority may make Regulations as to Lodging Houses, with Consent of the Board.

1. For fixing the Number of Persons who may occupy a House or Part of a House which is let in Lodgings or occupied by Members of more than One Family:
2. For the Registration of Houses thus let or occupied in Lodgings:
3. For the Inspection of such Houses, and the keeping the same in a cleanly and wholesome State:
4. For enforcing therein the Provision of Privy Accommodation, or Watercloset Accommodation, and other Appliances and Means of Cleanliness in proportion to the Number of Lodgings and Occupiers, and the cleansing and Ventilation of the Common Passages and Staircases:
5. For the cleansing and limewhiting at stated Times of such Premises:
6. For the Enforcement of the above Regulations by Penalties not exceeding Forty Shillings for any One Offence, with an additional Penalty not exceeding Twenty Shillings for every Day during which a Default in obeying such Regulations may continue.

45. It shall not be lawful to let separately, except as a Warehouse or Storehouse, or to suffer to be occupied as a Dwelling Place, any Cellar whatsoever, or any Vault or underground Room (not being entirely open on one or other of its Sides), which Vault or Room shall be less in Height from the Floor to the Ceiling than Seven Feet, or which shall be less than One Third of its Height above the Level of the Street or Ground adjoining the same, or otherwise shall not have Three Feet at least of its Height from the Floor to the Ceiling above the said Level, with an open Area of Two Feet Six Inches wide from the Level of the Floor of such Vault or Room up to the Level of the said Street or Ground, or which shall not have appurtenant thereto the Use of a Watercloset or Privy and Ashpit, or which shall not also have a glazed Window made to open to the full Extent of the Half thereof, the Area of which is not less than Nine Superficial Feet clear of the Frame, and a Fireplace with a Chimney or Flue, or which Vault or underground Room being an inner or back Vault or Cellar let or occupied along with a front Vault or Room, as Part of the same Letting or Occupation,

Rules as to underground Dwellings.

pation, has not a ventilating Flue (unless such inner or back Vault or Room shall be Part of a House built before the passing of this Act), or which shall not be well and effectually drained by means of a Drain, the uppermost Part of which is One Foot at least below the Level of the Floor of such Vault, Cellar, or Room, after the Local Authority have given Notice to the Owners thereof that the letting of such Cellars, Vaults, or underground Rooms as Dwelling Places is prohibited from that Time forth; and it shall be the Duty of the Local Authority to issue such Notices from Time to Time, as soon as is convenient, until such Notice has been given with respect to every Cellar, Vault, or underground Room occupied as a Dwelling House within the District; and it shall not be lawful, after such Notice, to let or continue to let, or to occupy or suffer to be occupied, separately, as a Dwelling House, any such Cellar, Vault, or underground Room.

Penalty on letting underground Dwellings.

46. Every Person who lets separately, or who knowingly suffers to be occupied for Hire as a Dwelling, any Vault, Cellar, or Room, contrary to the Provisions of this Act, shall be liable to a Penalty not exceeding Twenty Shillings for every Day during which such Vault, Cellar, or Room is so occupied after Conviction of the First Offence.

Cases in which Two Convictions have occurred within Three Months.

47. Where Two Convictions against the Provisions of this Act relating to the overcrowding of any House, or the Occupation of any Cellar, Vault, or underground Room as a separate Dwelling Place, shall have taken place within the Period of Three Months, whether the Person so convicted were or were not the same, it shall be lawful for the Sheriff or any Magistrate or Justice to direct the closing of such Premises for such Time as he may deem necessary, and in the Case of Cellars occupied as aforesaid, to empower the Local Authority to permanently close the same, in such Manner as they may deem fit.

Penalty on Person suffering from infectious Disorder entering public Conveyance without notifying to Driver that he is so suffering.

48. If any Person suffering from any infectious Disorder shall enter, or any Person in charge of a Person so suffering shall place such Person in any Steamboat, Sailing Vessel, Railway Carriage, Stage Coach, Hackney Carriage, or other public Conveyance without previously notifying to the Owner or Person in charge thereof that such Person is so suffering, the Person so contravening this Provision shall, on Conviction thereof before any Sheriff, Magistrate, or Justice, be liable to a Penalty not exceeding Five Pounds; and no Owner or Person in charge of any public Conveyance shall be bound to convey any Person so suffering.

49. Any

Penalty on any Person, with infectious Disorder, exposing himself, or on any Person in charge of such Sufferer causing such Exposure.

49. Any Person suffering from any infectious Disorder who wilfully exposes himself, without proper Precaution against spreading the said Disorder, in any Street, public Place, or public Conveyance, and any Person in charge of One so suffering who so exposes the Sufferer, and any Owner or Person in charge of a public Conveyance who does not immediately provide for the Disinfection of his Conveyance after it has, with the Knowledge of such Owner or Person in charge, conveyed any such Sufferer, and any Person who, without previous Disinfection, knowingly gives, lends, sells, transmits, or exposes any Bedding, Clothing, Rags, or other Things which have been exposed to Infection from such Disorders, shall, on Conviction of such Offence before the Sheriff or any Magistrate or Justice, be liable to a Penalty not exceeding Five Pounds: Provided that no Proceedings under this Section shall be taken against Persons transmitting with proper Precautions any such Bedding, Clothing, Rags, or other Things for the Purpose of having the same disinfected.

Penalty on Persons letting Houses in which infected Persons have been lodging.

50. If any Person knowingly lets any House, Room, or Part of a House in which any Person suffering from any infectious Disorder has been to any other Person without having such House, Room, or Part of a House, and all Articles therein liable to retain Infection, disinfected to the Satisfaction of a qualified Medical Practitioner, as testified by a Certificate given by him, and lodged with the Sanitary Inspector or other Person appointed to perform the Duties of Sanitary Inspector, such Person shall be liable to a Penalty not exceeding Twenty Pounds. For the Purposes of this Section the Keeper of an Inn or Hotel shall be deemed to let Part of a House to any Person admitted as a Guest into such Inn or Hotel.

Removal of Manure in Mews, &c.

51. Where Notice has been given by the Local Authority or their Officer or Officers for the periodical Removal of Manure or other refuse Matter from Mews, Stables, or other Premises (whether such Notice shall be by public Announcement in the Locality or otherwise), and subsequent to such Notice the Person or Persons to whom the Manure or other refuse Matter belongs shall not so remove the same, or shall permit a further Accumulation, and shall not continue such periodical Removal at such Intervals as the Local Authority or their Officer or Officers shall direct, he or they shall be liable, without further Notice, to a Penalty of not exceeding Twenty Shillings per Day for every Day during which such Manure or other refuse Matter shall be permitted to accumulate, such Penalty to be recovered in a summary Manner.

Provision as to Ships within the Jurisdiction of Local Authority.

52. Any Ship lying in any River, Harbour, or other Water shall be subject to the Local Authority of the District within or ex adverso of which such River, Harbour, or other Water is situate, and to the Sheriff, Magistrates, and Justices of the Peace having Jurisdiction in such District, and shall be within the Provisions of this Act in the same Manner as if such Ship were a House within such District, and the Master or other Officer in charge of such Ship shall be deemed for the Purposes of this Act to be the Occupier of such Ship; but this Section shall not apply to any Ship belonging to Her Majesty or to any Foreign Government.

Provision to District of Local Authority extending to Places where Ships are lying.

53. For the Purposes of this Act, any Ship that is in a Place within Three Miles of the Coasts of Scotland, and not within the District of a Local Authority, shall be deemed to be within the District of such Local Authority as may be prescribed by the Board, and until a Local Authority has been prescribed then of the Local Authority whose District nearest adjoins the Place where such Ship is lying, the Distance being measured in a straight Line.

Medical Officer of Parish to be allowed to charge for attending Sick on board any Ship, and to be paid by Captain.

54. Whenever, in compliance with any Regulation of the Board which they may be empowered to make under this Act, any Medical Officer shall perform any Medical Service on board of any Ship, such Medical Officer shall be entitled to charge extra for any such Service, at the general Rate of his Allowance for his Services for the Parish or Place for which he is appointed, and such Charges shall be payable by the Person in charge of the Ship, on behalf of the Owners, together with any reasonable Expenses for the Treatment of the Sick; and if such Services shall be rendered by any Medical Practitioner who is not a Medical Officer, he shall be entitled to charge for any Service rendered on board, with extra Remuneration on account of Distance, at the same Rates as those which he is in the habit of receiving from private Patients of the Class of those attended and treated on Shipboard, to be paid as aforesaid; and in case such Charges be not paid, the Medical Officer or Practitioner may bring an Action against the Person in charge of such Ship for the same, and the Ship, Cargo, and Tackle thereof shall be subject to a Lien for the Amount of such Charges.

Power to remove to Hospital sick Persons brought by Ships.

55. Any Local Authority may, with the Sanction of the Board, lay down Rules for the Removal to any Hospital to which such Authority are entitled to remove Patients, and for keeping in such Hospital so long as may be necessary, any Persons brought within their District by any Ship who are infected with an infectious

tious Disorder, and they may by such Rules impose any Penalty not exceeding Five Pounds on any Person committing any Offence against the same.

Description of Ships within Provisions of 6 G. 4. c. 78., and Power to reduce Penalties imposed thereby.

56. Every Ship having on board any Person affected with a dangerous or infectious Disorder shall be deemed to be within the Provisions of the Act of the Sixth Year of King George the Fourth, Chapter Seventy-eight, intituled "An Act to repeal the several "Laws relating to Quarantine, and to make other Provisions in "lieu thereof," although such Ship has not commenced the Voyage, or has come from or is bound for some Place in the United Kingdom; and nothing in this Act contained shall interfere with or prevent the Execution of any Orders, Regulations, or Restrictions to be made by the Lords and others of Her Majesty's Privy Council pursuant to the said Act; and any Expenses incurred by any Local Authority in carrying into effect such Orders, Regulations, or Restrictions shall be deemed to be Expenses incurred by them in carrying into effect this Act; and all Penalties imposed by the said Act of the Sixth Year of King George the Fourth, Chapter Seventy-eight, may be reduced by the Justices or Court having Jurisdiction in respect of such Penalties to such Sum as the Justices or Court think just.

Power to defray Cost of Vaccination in certain Cases.

57. The Local Authority may defray the Cost of vaccinating such Persons as to them may seem expedient, not being Paupers or the Children of Paupers, or Persons ordered to be vaccinated in Terms of the Eighteenth Section of the Act Twenty-six and Twenty-seven Victoria, Chapter One hundred and eight.

Power to provide Grounds for public Recreation.

58. The Local Authority may provide, maintain, lay out, and improve Grounds for public Recreation, and support or contribute towards any Premises provided for such Purposes by any Person whomsoever.

PART V.

Regulation of Common Lodging Houses.

Common Lodging Houses to be registered.

59. The Local Authority shall cause a Register to be kept, in which shall be entered the Names and Residences of the Keepers of all Common Lodging Houses within the District of the Local Authority, and the Situation of every such House, and the Number of Lodgers authorized according to this Act to be kept therein, and

in each Apartment thereof; and the Local Authority may refuse to register as the Keeper of a Common Lodging House any Person who does not produce to the Local Authority a Certificate of Character, in such Form as the Local Authority shall direct, signed by Three Inhabitant Householders of the Parish respectively assessed for the Relief of the Poor of the Parish within which such Lodging House is situate; and the Local Authority may, from Time to Time, on the Approval of the Board, raise or diminish the Sum payable per Night, according to which, as herein-before mentioned, it is ascertained whether a House or Part thereof is a Common Lodging House, but so as not to exceed Sixpence per Night.

No Lodger to be received in Common Lodging House till it has been inspected and registered.

60. From and after the Date when this Act shall come into operation, it shall not be lawful to keep or use as a Common Lodging House any House, not being a Licensed Victualling House, or to receive or retain any Lodgers therein, unless such House shall have been inspected and approved for that Purpose by the Inspector of Common Lodging Houses for the District, and shall have been registered as by this Act provided; and if any Person shall contravene this Enactment he shall be guilty of an Offence under this Act.

Evidence of Register.

61. A Copy of an Entry made in a Register kept under this Act, purporting to be certified by the Person having the Charge of such Register to be a true Copy, shall be received in all Courts and on all Occasions whatsoever as Evidence, and shall be primâ facie Proof of all Things therein registered, without the Production of the Register, or of any Document, Act, or Thing on which the Entry is founded, or Proof of the Signature; and every Person applying at a reasonable Time shall be furnished by the Person having such Charge with a certified Copy of any such Entry for Payment of Twopence.

Power to Local Authority to make Rules and Regulations respecting Common Lodging Houses, to take effect when confirmed by the Board.

62. The Local Authority may from Time to Time make Rules and Regulations respecting Common Lodging Houses within its Jurisdiction, for the well ordering of such Houses, and for the Separation of the Sexes therein, and for fixing the Number of Lodgers which may be received in each such House, and in each Room therein, and for promoting the Cleanliness and Ventilation of such Houses, and with respect to the Inspection thereof, and the Conditions and Restrictions under which such Inspection may be made; and the said Local Authority may, by any such Rules and Regulations, impose upon Offenders against the same such reasonable Penalties as they shall think fit, not exceeding the Sum of Five Pounds

Pounds for each Offence, and in the Case of a continuing Offence a further Penalty not exceeding the Sum of Forty Shillings for each Day after written Notice of the Offence from the said Local Authority; and the said Local Authority may alter or repeal any such Rules and Regulations: Provided always, that all such Rules and Regulations imposing any Penalty shall be so framed as to allow of the Recovery of any Sum less than the full Amount of the Penalty: Provided also, that such Rules and Regulations shall not be of any Force or Effect until the same be submitted to and confirmed by the Board, who are hereby empowered to confirm or disallow the same as they may think proper: Provided further, that no such Rules and Regulations shall be confirmed unless Notice of the Intention to apply for Confirmation of the same shall have been given in One or more of the public Newspapers usually circulated within the Parish or Place to which such Byelaws relate One Month at least before the making of such Application; and for One Month at least before any such Application a Copy of the proposed Rules and Regulations, in Writing, signed by the Chairman of the Meeting at which they were made, shall be kept at the Office or usual Place of Meeting of the Local Authority, and be open during Business Hours thereat for the Inspection of Parties assessed to the Relief of the Poor in such Parish or Place, without Fee, and the Local Authority shall cause every such Party assessed as aforesaid who shall apply for the same to be furnished with a Copy thereof, on Payment of Sixpence for every One hundred Words contained in such Copy.

Such Rules and Regulations, when confirmed, to be printed, and furnished gratis to Keepers of Common Lodging Houses.

63. All such Rules and Regulations made by the Local Authority in pursuance of this Act shall, when confirmed as aforesaid, be printed, and hung up in the Office or usual Place of Meeting of the said Local Authority, and Copies thereof shall be furnished gratis to every Keeper of a Common Lodging House, and such Keeper shall be bound to keep a Copy thereof hung up in some conspicuous Place in each Room in which Lodgers are received, and Copies shall also be furnished to any Party assessed as aforesaid, upon Application, and Payment of One Penny each for the same; and a Copy of such Rules and Regulations, purporting to be signed by the Secretary of the Board, shall be received in Evidence of such Regulations, and of the duly making and confirming thereof, without Proof of the Signature.

Power to Local Authority to require an additional Supply of Water to

64. Where it appears to the Local Authority that a Common Lodging House is without a proper Supply of Water for the Use of the Lodgers, and that such a Supply can be furnished thereto at a reasonable Rate, the Local Authority may, by Notice in Writing, require the Owner or Keeper of the Common Lodging House, within a Time

Common Lodging Houses.

a Time specified therein, to obtain such Supply, and to execute all Works necessary for that Purpose; and if such Notice be not complied with accordingly, the Local Authority may remove the Common Lodging House from the Register until it be complied with.

Power to Local Authority to order Reports from Keepers of Common Lodging Houses.

65. The Keeper of a Common Lodging House shall from Time to Time, if required by any Order of the Local Authority served on such Keeper, report to the Local Authority, or to such Person or Persons as the said Local Authority shall direct, every Person who resorted to such House during the preceding Day or Night, and for that Purpose Schedules shall be furnished by the Local Authority to the Persons so ordered to report, which Schedules they shall fill up with the Information required, and transmit to the Local Authority.

Local Authority may remove sick Persons from Common Lodging Houses to Hospitals &c.

66. When a Person in a Common Lodging House is ill of Fever or any infectious or contagious Disease, the Local Authority may cause such Person to be removed to a Hospital or Infirmary, with the Consent of the Authorities thereof, where different from the Local Authority, and on the Certificate of the Medical Officer of the Parish, or of any qualified Medical Practitioner, that the Disease is infectious or contagious, and that the Patient may be safely removed; and the Local Authority may, so far as they think requisite for preventing the Spread of Disease, cause any Clothes or Bedding used by such Person to be disinfected or destroyed, and may pay to the Owners of the Clothes and Bedding so disinfected or destroyed reasonable Compensation for the Injury or Destruction thereof; the Amount of such Compensation being first certified in Writing upon a List of such Articles.

As to giving Notice of Fever, &c. occurring in Common Lodging Houses.

67. The Keeper of a Common Lodging House shall, when a Person in such House is ill of Fever or any infectious or contagious Disease, give immediate Notice thereof either to the Medical Officer or to the Inspector of Common Lodging Houses, or the Inspector of the Poor of the Parish in which such Common Lodging House is situated, who shall forthwith inform the Local Authority and the Medical Officer that such Notice has been received, and thereupon the Medical Officer shall forthwith visit and report on the Case.

As to Inspection of Common Lodging Houses.

68. The Keeper of a Common Lodging House shall, at all Times when required by any Officer of the Local Authority, give him free Access to such House and every Part thereof.

As to cleansing of Common Lodging Houses.

69. The Keeper of a Common Lodging House shall thoroughly cleanse all the Rooms, Passages, Stairs, Floors, Windows, Doors, Wall,

Wall, Ceilings, Privies, Ashpits, Cesspools, and Drains thereof, to the Satisfaction of the Inspector, and so often as shall be required by or in accordance with any Regulation of the Local Authority, and shall well and sufficiently, and to the like Satisfaction, lime-wash the Walls and Ceilings thereof in the First Week of each of the Months of April and October in every Year, and at such other Times as the Local Authority may by Special Order appoint or direct.

Conviction for Third Offence, &c. to disqualify Persons from keeping Common Lodging Houses.

70. Where a Keeper of a Common Lodging House is convicted of a Third or any subsequent Offence under this Act, it may be adjudged as the Punishment or Part of the Punishment for such Offence that he shall not, at any Time within Five Years, or any shorter Period after such Conviction, keep or have or act in the Care or Management of a Common Lodging House, without the previous Licence in Writing of the Local Authority, which Licence the Local Authority may withhold, or may grant on such Terms and Conditions as they think fit.

PART VI.

Sewers, Drains, and Water Supply.

Sewers to be vested in Local Authority.

71. All Sewers presently existing within a District, and not being private Property, or not being and continuing under the Management of Persons appointed by the Crown or by Act of Parliament, shall be vested in the Local Authority: Provided always, that nothing in this Act contained shall affect the Rights of any Person or Persons to the Property or Management of any Sewers in virtue of any existing Local or General Police Statute.

Power to purchase Sewers.

72. The Local Authority may, in Terms of the Lands Clauses Acts, acquire the Rights and Powers vested in any Person to make Sewers, or to use any Sewer, with or without the Buildings and other Things thereto pertaining; provided that they shall make Compensation for the Rights so acquired, and shall also make Compensation to the Proprietors and Occupiers of any Lands and Heritages which may be damaged by reason of the Exercise of the Powers hereby conferred, in Terms of the said last-mentioned Acts.

Power to make Sewers.

73. The Local Authority shall have Power to construct within their District, and also when necessary for the Purpose of Outfall

or Distribution of Sewage, without their District, such Sewers as they may think necessary for keeping their District properly cleansed and drained, and may carry such Sewers through, across, or under any Turnpike or other Road, or any Street or Place, or under any Cellar or Vault which may be under the Foot Pavement or Carriageway of any Street or Road, and after reasonable Notice in Writing (if upon the Report of Surveyor it should appear to be necessary), into, through, or under any Lands whatsoever; and from Time to Time to enlarge, lessen, alter, arch over or otherwise improve, or to close up or destroy all Sewers vested in them, provided no Nuisance is created by such Operations; and if any Person is thereby deprived of the lawful Use of any Sewer, the Local Authority shall provide another sufficiently effectual for his Use.

Sewers to be cleansed.

The Local Authority shall cause their Sewers to be so constructed, kept, and cleansed as not to be a Nuisance, and for the Purpose of cleansing and emptying them, may construct and place, either above or under Ground, such Reservoirs, Sluices, Engines, or other Works as may be necessary, and may cause such Sewers to communicate with and be emptied into such Places as may be fit and necessary, either within their District, or if necessary for the Purpose of Outfall or Distribution of Sewage, without their District, and to cause the Sewage and Refuse therefrom to be collected for Sale or for any Purpose whatsoever, but so as not to create a Nuisance.

Powers of utilizing Sewage.

74. The Local Authority may from Time to Time, for the Purpose of utilizing Sewage, agree with any Person as to the Supply of such Sewage or the Distribution thereof over Land, and as to the Works to be made for the Purpose of such Supply or Distribution, and as to the Parties to execute the same and to bear the Costs thereof, and as to the Sums of Money, if any, to be paid for that Supply; provided that no Contract shall be made for the Supply of Sewage for a Period exceeding Five Years, unless with the Authority of the Board, and not for any Period exceeding Twenty-five Years; and the Local Authority may contract for, purchase, or take on Lease any Lands, Buildings, Engines, Materials, or Apparatus for the Purpose of receiving, storing, disinfecting, or distributing Sewage.

Power of Entry.

75. In case it shall become necessary to enter, examine, or lay open any Lands or Premises for the Purpose of making Plans, surveying, measuring, taking Levels, examining Works, ascertaining the Course of Sewers or Drains, making or repairing, altering or enlarging Sewers or Drains, or other Purposes ancillary to the Powers herein given as to Sewers and Drains, and the Owner or Occupier of Premises refuses or withholds Access and Leave to perform the said Operations, the Local Authority may apply to the Sheriff, who,

who, if no sufficient Cause be shown to the contrary, shall grant Warrant to the Local Authority, their Officers and others thereby authorized, to enter and do all or any of the Works or Operations foresaid.

Formation of Special Drainage District.

76. Upon Requisition to that Effect made in Writing by not fewer than Ten Inhabitants of the District, the Local Authority shall be bound to meet, after Twenty-one clear Days Notice, and shall consider the Propriety of forming Part of their District into a Special Drainage District, and the Resolution of the Local Authority at such Meeting shall be published in One or more Newspapers circulating in the District; and the Production of such Newspaper, or a Certificate under the Hand of the Chairman or acting Clerk of the Local Authority (whose Signature need not be proved), shall be sufficient Evidence of such Resolution; and within Ten Days after the Date of such Resolution it shall be competent for any Person interested to appeal against the Resolution to the Sheriff, and the Sheriff, not being a Sheriff Substitute resident within the District, may either approve or disapprove of such Resolution, and if he disapproves thereof he may either find that no Special Drainage District should be formed, or may enlarge or limit the Special District as defined by the Resolution of the Local Authority, or may find that a Special Drainage District should be formed and may define the Limits thereof; and the Decision of the Sheriff shall be binding upon the Local Authority, and shall be final, except where it is pronounced by a Sheriff Substitute, in which Case it may be appealed to the Sheriff.

Power to drain into Sewers of Local Authority.

77. Any Owner or Occupier of Premises within the District of a Local Authority shall be entitled to cause his Drains to empty into the Sewers of such Local Authority, on condition of his giving Twenty Days previous Notice of his Intention so to do to the Local Authority, and of complying with their Regulations in respect of the Mode in which the Communications between such Drains and Sewers are to be made, and subject to the Control of any Person who may be appointed by the Local Authority to superintend the making of such Communications.

Use of Sewers by Persons beyond District.

78. Any Owner or Occupier of Premises beyond the Limits of the District of a Local Authority may cause any Sewer or Drain from such Premises to communicate with any Sewer of the Local Authority, upon such Terms and Conditions as may be agreed upon between such Owner or Occupier and such Local Authority, or in case of Dispute, shall be settled by the Sheriff.

 79. Every

Penalty for making unauthorized Drains.

79. Every Person not being authorized by the Local Authority, who shall make any Drain into any Sewer vested in the Local Authority, shall be liable in a Penalty not exceeding Five Pounds besides shutting up said Drain or paying the Expense of shutting it up.

Estimates for Work.

80. Before entering into any Contract for executing any such Work as herein-before or after mentioned, falling under Part VI. of this Act, or connected with Sewage or Drainage, if the Expense thereof may exceed Thirty Pounds, the Local Authority shall procure from a Surveyor an Estimate of the probable Expense of constructing the same in a substantial Manner, and of the yearly Expense of maintaining the same in repair; and such Surveyor shall accompany such Estimate with a Report as to the most advantageous Mode of constructing such Work, whether under a Contract for constructing the same merely, or a Contract for constructing the same and maintaining it in repair during a given Term of Years.

Not to build over Sewers.

81. Unless with Consent of the Local Authority no Building shall be erected over any Sewer belonging to the Local Authority, and no Vault, Arch, or Cellar shall be made so as to interfere with any such Sewer.

Sewers to be trapped.

82. All Sewers and Drains, whether public or private, shall be provided by the Persons to whom they severally belong, with proper Traps or other Coverings or Means of Ventilation, so as to prevent Stench or delcterious Exhalation.

Distilleries, &c. to deposit Refuse.

83. The Owners or Occupiers of Distilleries, Manufactories, and other Works shall be compelled, where possible, to dig, make, and construct Pools or Reservoirs within their own Ground, or as near their Works as possible, for receiving and depositing the Refuse of such Works, so far as offensive or injurious to the Health of those living in the Vicinity thereof, or to use the best practical Means for rendering the same inoffensive or innoxious before discharging it into any River, Stream, Ditch, Sewer, or other Channel.

Drain discharging below High-water Mark.

84. If the Local Authority shall consider it necessary for Public Health that any Drain should discharge itself below High-water Mark, they shall be entitled, with the Consent of the Board of Trade, to construct the requisite Works for that Purpose.

As to the Drainage of Houses.

85. If a Dwelling House within the District of a Local Authority is without a Drain, or without such Drain as is sufficient for effectual Drainage, the Local Authority may, by Notice, require the Owner

Owner of such House, within a reasonable Time therein specified, to make a sufficient Drain emptying into any Sewer which the Local Authority are entitled to use, and with which the Owner is entitled to make a Communication, so that such Sewer be not more than One hundred Feet from the Site of the House of such Owner; but if no such Means of Drainage are within that Distance, then emptying into such covered Cesspool or other Place, not being under any House, as the Local Authority may direct; and if the Person on whom such Notice is served fails to comply with the same, the Local Authority may, at the Expiration of the Time specified in the Notice, do the Work required, and the Expenses incurred by them in so doing may be recovered from such Owner in a summary Manner.

Power of borrowing for Sewers.

86. It shall be lawful for the Local Authority to borrow for the Purpose of making, enlarging, or constructing Sewers, and on the Security of the after-mentioned Special Sewer Assessments, where such exist, and General Assessments, or either of them, such Sums of Money, and at such Times, as the Local Authority shall deem necessary for that Purpose, and to assign the said Special Sewer Assessments and General Assessments or any of them in Security of the Money to be so borrowed; and the Bonds to be granted on such borrowing and Transferences thereof may be in or near to the Forms contained in the Schedule (K.) hereto annexed, and such Bonds shall constitute a Lien over the Special Sewer Assessments and General Assessments thereby assigned, and shall entitle the Creditors therein to recover the Sums thereby due from the Local Authority out of the first and readiest of the said Special and General Assessments; but no Member or Officer of the Local Authority shall be personally liable for the Repayment of such Money so borrowed, and all such Obligations shall be deemed and taken to be granted on the sole Security of the Assessments assigned, and shall either be so conceived as to provide for the Extinction of the Debt, including Interest, within Twenty-five Years from the Date of the Loan, by equal yearly or half-yearly Payments, or be so conceived as that the Principal Sum borrowed shall be repaid by annual Instalments of not less than One Twenty-fifth Part thereof, besides Payment of the Interest due, and in either Case Payment shall be made accordingly; and the Money so borrowed as aforesaid shall be applied wholly in defraying the Expense of making, enlarging, and re-constructing Sewers, and to no other Purpose whatsoever.

Local Authorities may combine.

87. Two or more Local Authorities may, with the Sanction of the Board, combine together for the Purpose of executing and maintaining any Works by this Act authorized in regard to

Sewerage or Drainage that may be for the Benefit of their respective Districts; and all Monies which they may agree to contribute for the Execution and Maintenance of such common Works shall, in the Case of each Local Authority, be deemed to be Expenses incurred by them in the Execution of Works within their District.

Supply of Water.

88. The Local Authority, if they think it expedient so to do, may acquire and provide a Supply of Water for the Use of the Inhabitants, and for that Purpose may conduct Water from any Lake, River, or Stream, may dig Wells, make and maintain Reservoirs, may purchase, take upon Lease, hire, construct, lay down, and maintain such Waterworks, Pipes, and Premises, and do and execute all such Works, Matters, and Things as shall be necessary and proper for the aforesaid Purpose, and may themselves furnish a Supply of Water, or contract with any other Person to furnish the same; And for the Purposes aforesaid the Local Authority shall be held to have all the Powers and Rights given to Promoters of Undertakings by the Lands Clauses Acts: Provided always, that they shall make reasonable Compensation for the Water so taken by them, and for the Damage which may be done to any Lands and Heritages by reason of the Exercise of the Powers hereby conferred in Terms of the said Acts; and further, that for the Purposes of this Act the Words "Lands and Heritages" in the said Acts shall include "Water" and the Right thereto.

House without Supply of Water.

89. If any House within the District is without a proper Supply of Water, the Local Authority shall compel the Owner to obtain such Supply, and to do all such Works as may be necessary for that Purpose.

Water for Baths, &c.

90. The Local Authority, if they have any surplus Water after fully supplying what is required for domestic Purposes, may supply Water from such Surplus to any public Baths and Wash-houses, or for trading or manufacturing Purposes, on such Terms and Conditions as may be agreed on between the Local Authority and the Persons desirous of being so supplied.

Cisterns, &c. to be supplied with Water.

91. The Local Authority may cause all existing public Cisterns, Pumps, Wells, Reservoirs, Conduits, Aqueducts, and Works used for the gratuitous Supply of Water to the Inhabitants, to be continued, maintained, and plentifully supplied with Water, and may, if they shall think fit, provide and gratuitously supply Water for any public Baths or Wash-houses established otherwise than for private Profit or supported out of any Burgh Rates.

92. Upon

Special Water Supply District.

92. Upon Requisition to that Effect made in Writing by not fewer than Ten Inhabitants of the District, the Local Authority shall be bound to meet, after Twenty-one clear Days Notice, and shall consider the Propriety of forming Part of their District into a Special Water Supply District, and the Resolution of the Local Authority at such Meeting shall be published in One or more Newspapers circulating in the District; and the Production of such Newspaper, or a Certificate under the Hand of the Chairman or acting Clerk of the Local Authority (whose Signature need not be proved), shall be sufficient Evidence of such Resolution; and within Ten Days after the Date of such Resolution it shall be competent for any Person interested to appeal against the same to the Sheriff; and the Sheriff, not being a Sheriff Substitute resident within the District, may either approve or disapprove of such Resolution; and if he disapproves thereof he may either find that no Special Water Supply District should be formed, or may enlarge or limit the Special District as defined by the Resolution of the Local Authority, or may find that a Special Water Supply District should be formed, and may define the Limits thereof; and the Decision of the Sheriff shall be binding upon the Local Authority, and shall be final, except where it is pronounced by a Sheriff Substitute, in which Case it may be appealed to the Sheriff.

Power to borrow for Water Supply.

93. It shall be lawful for the Local Authority to borrow for the Purpose of constructing, purchasing, enlarging, or re-constructing such Works as are herein authorized for providing a Supply of Water for the Use of the Inhabitants of the District, and on the Security of the after-mentioned Special Water Assessments, where such exist, and of General Assessments, or either of them, such Sums of Money, and at such Times as the Local Authority shall deem necessary for that Purpose, and to assign the said Special Water Assessments and General Assessments or either of them in Security of the Money to be so borrowed; and the Bonds to be granted on such borrowing and Transferences thereof may be in or near to the Forms contained in the Schedule hereto annexed; and such Bonds shall constitute a Lien over the Assessments thereby assigned, and shall entitle the Creditors therein to recover the Sums thereby due from the Local Authority out of the first and readiest of the said Assessments; but no Member or Officer of the Local Authority shall be personally liable for the Repayment of such Money so borrowed, and all such Obligations shall be deemed and taken to be granted on the sole Security of the Rate assigned, and shall either be so conceived as to provide for the Extinction of the Debt, including Interest, within Twenty-five Years from the Date of the Loan, by equal yearly or half-yearly Payments, or be so conceived as that the Principal Sum borrowed

shall be repaid by annual Instalments of not less than One Twenty-fifth Part thereof, besides Payment of the Interest, and in either Case Payment shall be made accordingly; and the Money so borrowed as aforesaid shall be applied wholly in defraying the Expense of purchasing, making, enlarging, and re-constructing such Works, and to no other Purpose whatsoever.

Loans from Public Works Loan Commissioners.

94. The Public Works Loan Commissioners as defined by "The Public Works Loan Act, 1853," may advance to the Commissioners mentioned in the One hundred and ninety-sixth Section of "The Police and Improvement (Scotland) Act, 1862," for the Purposes mentioned in that Section, and upon the Security therein mentioned, and to any Local Authority for the Purposes mentioned in Part VI. of this Act, such Sums of Money as may be recommended by One of Her Majesty's Principal Secretaries of State.

Execution and Maintenance of Works as to Water Supply.

95. Two or more Local Authorities may, with the Sanction of the Board, combine together for the Purpose of executing and maintaining any Works by this Act authorized in regard to Water Supply that may be for the Benefit of their respective Districts; and all Monies which they may agree to contribute for the Execution and Maintenance of such Common Works shall, in the Case of each Local Authority, be deemed to be Expenses incurred by them in the Execution of Works within their District.

PART VII.

Assessments.

Special Drainage Assessment.

96. Where any Special Drainage District has been formed as herein-before provided, the Expense of the Sewerage and Drainage incurred by the Local Authority within the same, or for the Purposes thereof, and the Sums necessary for Payment as before mentioned of any Money borrowed for Sewerage Purposes as herein-before provided, shall be paid out of a Special Assessment, which the Local Authority shall raise and levy on and within such Special District, in the same Manner and with the same Remedies and Modes of Recovery as are herein provided for the District of the Local Authority.

Special Water Supply Assessment.

97. Where any Special Water Supply District has been formed as herein-before provided, the Expense incurred for Water Supply within the same, or for the Purposes thereof, and the Sums necessary for Payment as before mentioned of any Money borrowed for Water Supply Purposes, as herein-before provided, shall be paid out

out of a Special Assessment which the Local Authority shall raise and levy on or within such Special District, in the same Manner and with the same Remedies and Modes of Recovery as are herein-before provided for the District of the Local Authority.

Assessment for general Expenses incurred in executing this Act.

98. All Charges and Expenses incurred by the Local Authority in executing this Act or any of the Acts hereby repealed, and not recovered as herein-before or after provided, may be defrayed out of an Assessment to be levied by the Local Authority along with but as a separate Assessment from the Assessments herein-after mentioned in this Section; and the said Assessment shall be assessed, levied, and recovered in like Manner and under like Powers, (which Powers are hereby given and are declared to extend over the whole and every Part of the District of the Local Authority,) as—

The Prison Assessment or Police Assessment, as the Local Authority shall resolve, where the Local Authority is a Town Council or Police Commissioners, or Trustees acting as Police Commissioners; or if there be no Prison or Police Assessment, an Assessment levied in like Manner as is herein-after authorized, where the Local Authority is a Parochial Board:

The Assessment for the Relief of the Poor, where the Local Authority is a Parochial Board, or where there is no such Assessment, by an Assessment levied in such Manner as an Assessment might have been levied for the Relief of the Poor:

Provided always, that where the Local Authority is a Town Council or Police Commissioners, or Trustees acting as Police Commissioners, or where a Parochial Board is the Local Authority in a District, including, as well as the Landward Part of a Parish, a Burgh or Town having a Town Council or Police Commissioners or Trustees acting as Police Commissioners, the annual Value of the following Lands or Premises shall for the whole Assessments under this Act be held to be the nearest aggregate Sum of Pounds Sterling to One Fourth of the annual Value thereof entered in the Valuation Roll, made up and completed in Terms of the Acts in force for the Valuation of Lands and Heritages in Scotland; viz.,

1. All Lands and Premises used exclusively as a Canal or Basin of a Canal, or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, excepting the Stations, Depôts, Wharfs, and Buildings, which shall be assessable on their full annual Value:

2. All the underground Gas and Water Pipes, or underground Works of any Gas or Water Company:

3. All Woodland, Arable, Meadow, or Pasture Land, or other Land used for agricultural Purposes, together with all Houses and Buildings required for the Cultivation of such Land:

4. All Mines, Minerals, and Quarries:

And in the event of any Dispute arising as to the Lands and Premises falling under the above Exceptions, it shall be lawful to the Owner or Occupier of such Lands and Premises to present a Petition to the Sheriff, praying to have the same declared for the Time being liable to Assessment upon the said Proportion of their Value only, and the Sheriff shall thereupon order the Petition to be served on the Local Authority upon a short Induciæ, and after hearing Parties and taking such Evidence as he shall think necessary, shall pronounce such Judgment as to him shall seem just and right, and which Judgment shall be final, except that where pronounced by a Sheriff Substitute it shall be subject to Appeal to the Sheriff: Provided also, that where a Special Drainage District has been formed as herein-before provided, and the Drainage Works therein have been executed and are maintained under the Authority of this Act, the Lands and Premises situated within such Special District shall not be liable to Assessment for the Expense of making Sewers and Drainage Works in other Parts of the District of the Local Authority; and where a Special Water Supply District has been formed, as herein-before provided, and a sufficient Supply of Water has been obtained and is maintained therein, under the Authority of this Act, the Lands and Premises situated within such Special Water Supply District shall not be liable to Assessment for the Expense of supplying Water for other Parts of the District of the Local Authority.

PART VIII.

Enforcement of and Procedure under this Act.

Procedure if Local Authority neglect its Duty under this Act.

99. If any Nuisance shall exist upon or in Premises possessed or managed by the Local Authority, or in which the Local Authority have any Interest, or if the Local Authority shall fail or neglect to perform any Duty imposed upon them by this Act, or to take all due Proceedings in this Act authorized for the Removal of Nuisances or Preservation of Health, or due Regulation of Lodging Houses, or for any other of the Purposes of this Act, it shall be competent for any Two Householders residing within the District, or for the Inspector of the Poor of the Parish, or for the Procurator Fiscal of the

the Sheriff or Justice of the Peace Court of the County, or of the Burgh Court, or for the Board, to give written Notice to such Local Authority of the Matters in which such Neglect exists; and if the Local Authority do not within Fourteen Days after such Notice, or in the Case of Neglect to enforce any Regulation or Direction of the Board under Part III. of this Act, within Two Days after such Notice, remove or remedy the Nuisance referred to, or in any other Case neglect to take the Steps authorized or required by or under this Act, it shall be competent for the Parties aforesaid, or any One of them, to apply to the Sheriff by summary Petition, and the Sheriff shall thereupon inquire into the same, and may make such Decree as shall in his Judgment be required to enforce the Removal or Remedy of the Nuisance, or otherwise to compel Execution of or carry out the Provisions and Purposes of this Act, and may appoint the same to be carried into effect by and at the Sight of such Persons as he may think fit, and at the Expense of the Local Authority, or of other Parties on whom the Expense ought in his Opinion to be laid, and for Payment of the Expenses of such Application by the Petitioners or by the Local Authority or other Party, as Justice may require; and further, it shall be competent for the Board to present a Petition to the Sheriff, under the Fourth Section of the "Burial Grounds (Scotland) Act, 1855," to the same Effect, and to be followed out in like Manner as if presented by any of the Persons or Parties therein mentioned: Provided always, that in regard to any Nuisance for the Removal of which Drainage Works are necessary, the Sheriff or other Judge or Court may suspend Consideration of the Complaint for such Time as may seem proper, in order to enable a general System of Drainage under any General or Local Act or otherwise to be carried out, the better to remove such Nuisances.

Provision for Refusal or Neglect of Local Authority.

100. In case any Local Authority shall refuse or neglect to do what is herein or otherwise by Law required of them, or in case any Obstruction shall arise in the Execution of this Act, it shall be lawful for the Board, or for the Lord Advocate at the Request of the Board, to apply by summary Petition to either Division of the Court of Session, or during Vacation or Recess to the Lord Ordinary on the Bills, which Division or Lord Ordinary are hereby authorized and directed to do therein and to dispose of the Expenses of the Proceedings as to the said Division or Lord Ordinary shall appear to be just.

Procurator Fiscal may sue by Directions of the Board.

101. In any Place within the Jurisdiction of a Local Authority the Procurator Fiscal of the Sheriff Court, on the Board being satisfied

satisfied that the Local Authority have made default in doing their Duty, may, with the Approval of the Lord Advocate, institute and follow out Proceedings against the Local Authority for compelling them to do their Duty; and may institute and follow out, in all respects, any Proceeding which the Local Authority of such Place might institute with respect to the Removal of Nuisances or otherwise; and the Expense as between Agent and Client of all such Proceedings shall be paid by the Local Authority, but with such Relief to them against the Author of any Nuisance or any other Party as may be competent.

Duties of Local Authorities as to Inspection of Nuisances, &c.

102. It shall be the Duty of the Local Authority to make from Time to Time, and also when required by the Board, either by themselves or by their Officers, Inspection of the District, with a view to ascertain what Nuisances exist calling for Abatement under the Powers of this Act, and to enforce the Provisions of the Act in order to cause the Abatement thereof, also to enforce the Provisions of any Act that may be in force within its District requiring Fireplaces and Furnaces to consume their own Smoke: Where a Nuisance is situated in a District the Local Authority of which does not cause the same to be abated, and which Nuisance is offensive or injurious to another District, the Local Authority of the latter District may call on the first-mentioned Local Authority to take all competent Steps for Removal of such Nuisance, and the said first-mentioned Local Authority shall be bound to do so accordingly; and any Expense thereby occasioned to the said second-mentioned Local Authority shall be reimbursed by the first-mentioned Local Authority, the Amount of such Reimbursement in the Case of Dispute to be finally determined by the Board.

Procedure where Nuisance beyond District.

Local Authority may require Payment of Costs or Expenses from Owner or Occupier, and Occupier paying to deduct from Rent.

103. It shall be lawful for the Local Authority, at their Discretion, to require the Payment of any Costs or Expenses which the Owner of any Premises may be liable to pay under this Act, either from the Owner or from any Person who then or at any Time thereafter occupies such Premises, and such Owner or Occupier shall be liable to pay the same, and the same shall be recovered in manner authorized by this Act, and the Owner shall allow such Occupier to deduct the Sums of Money which he so pays out of the Rent from Time to Time becoming due in respect of the said Premises, as if the same had been actually paid to such Owner as Part of such Rent: Provided always, that no such Occupier who shall not be the Author of a Nuisance, shall be required to pay any further Sum than the Amount of Rent for the Time being due from him, or which, after such Demand of such Costs or Expenses from

from such Occupier, and after Notice not to pay his Landlord any Rent without first deducting the Amount of such Costs or Expenses, becomes payable by such Occupier, unless he refuse, on Application being made to him for that Purpose by or on behalf of the Local Authority, truly to disclose the Amount of his Rent and the Name and Address of the Person to whom such Rent is payable, but the Burden of Proof that the Sum demanded from any such Occupier is greater than the Rent due by him at the Time of such Notice, or which has since accrued, shall lie upon such Occupier: Provided also, that nothing herein contained shall be taken to affect any Contract made or to be made between any Owner, Tenant, or Occupier of any House, Building, or other Property, whereby it is or may be agreed that the Tenant or Occupier shall pay or discharge all Rates, Dues, and Sums of Money payable in respect of such House, Building, or other Property, or to affect any Contract whatsoever between Landlord and Tenant.

Penalty for wilful Damage of Works.

104. If any Person wilfully damages any Works or Property belonging to any Local Authority, he shall be liable to a Penalty not exceeding Five Pounds, in addition to the Cost of repairing such Works or Property.

Appearance of Local Authorities in legal Proceedings.

105. Any Local Authority may appear and plead before any Sheriff, Magistrate, or Justice, or in any legal Proceeding, by any Officer or Member, or other Person authorized generally, or in respect of any special Proceeding, by Resolution of such Authority, and such Person being so authorized shall be at liberty to institute and carry on any Proceeding which the Authority is authorized to institute and carry on under this Act; and it shall not be necessary for the Local Authority to appear in any other Manner in any Prosecution or Proceeding at their Instance.

Recovery of Penalties.

106. All Penalties under this Act, and also all Sums of Money and Expenses herein directed to be recovered in a summary Manner, may, unless otherwise provided in this Act, be recovered at the Suit of the Local Authority, and may be applied for the Purposes of this Act: Provided always, that nothing contained in this Section shall impair or affect any other Mode of Recovery allowed by this Act: Provided also, that all Contraventions of the Provisions contained in this Act relating to Overcrowding of Houses, and all Contraventions of the Provisions in this Act or of the Rules and Regulations made under the Authority of this Act relating to Common Lodging Houses, may be prosecuted as Police Offences before any Judge or Magistrate having Police Jurisdiction, and in the same Way and Manner as Police Offences are prosecuted before

him under any General or Local Police Act; and in the event of the Offender being convicted, and failing to make immediate Payment of the Penalty which may have been imposed, he shall be liable to Imprisonment for any Period not exceeding Fourteen Days.

Powers of Act cumulative.

107. All Powers given by this Act shall be deemed to be in addition to, and not in derogation of, any other Powers conferred on any Local Authority or other Public Body by Act of Parliament not hereby repealed, or any Law or Custom; and such Local Authority or other Public Body may exercise such other Powers in the same Manner as if this Act had not passed, or may exercise the Powers conferred by this Act.

Form of Applications to the Sheriff.

108. All Applications to enforce any Provision of this Act, or for the Recovery of Penalties herein imposed, or other Sums of Money becoming due to the Local Authority in virtue of this Act, in so far as not herein otherwise provided for, may be by summary Petition, and such Petition may refer to the Clauses of this Act on which it is founded, without setting forth the same; and the Sheriff, Magistrate, or Justice shall thereupon, if he see fit, appoint the Petition to be answered within Three Days after Service, or may order the Parties to attend him in Person, and on advising such Answer, or hearing the Parties, or on the Respondent failing to appear, he may at once decern, or may appoint any competent Person to examine the Premises and report to him, and may decern on such Report; or he may, if either Party desire it, order Proof to be led before himself on any specified Points, and shall in that Case appoint a Day, not more than Five Days thereafter, for hearing such Proof, and if the Proof be not on that Day completed may adjourn the same from Time to Time until completed, and within Three Days after such Completion he shall give Decree, and he may find either Party liable in Expenses, or in any modified Sum of Expenses; and may, without Prejudice to any other Remedy, grant Warrant for the Imprisonment of the Person convicted or found liable in a Penalty or Sum of Money, unless he shall pay the whole Sums found due within a specified Time, until the same be paid, such Imprisonment not to exceed a specified Time; but the Judgment shall not be invalidated by any Deviation from any of the said Periods of Time.

No written Pleadings, &c. allowed.

109. No written Pleadings, other than the Petition and Answers (when ordered), shall be allowed, and the Sheriff shall take Notes of the Evidence in like Manner as in Civil Proofs: Provided always, that no Decree under this Act against any Party shall bar his Right to Relief against any other Party legally liable therein.

110. Where

110. Where it shall appear to the Sheriff that the true Value of the Subject complained of as a Nuisance, or the Cost of the Operations necessary to remove or amend it as ordered, or the Value of the Trade or Business interfered with, exceeds the Sum of Twenty-five Pounds or the Sum of Fifty Pounds respectively, he shall certify his Opinion to that Effect in his Decree, and the Parties shall thereupon be entitled to appeal from the Sheriff Substitute, where the Judgment has been pronounced by him to the Sheriff, on lodging, within Three Days after the Decree, a Note of Appeal with the Sheriff Clerk, and serving the same on the opposite Party or the Agent acting in such Proceedings for such Party, and such Note shall operate as a Sist of Execution until the Appeal be determined; and on such Note being lodged the Sheriff Clerk shall transmit the Process, together with the Sheriff Substitute's Notes of Evidence, to the Sheriff, whose Decision thereon shall be final where the Value certified is not above Fifty Pounds; and in the event of such Value or Cost being so certified to exceed the Sum of Fifty Pounds, the Parties shall be entitled to present a Note of Appeal to the Lord Ordinary on the Bills against the Judgment either of the Sheriff Substitute or of the Sheriff, whether this last be an original Judgment or an Appeal, provided that, along with such Note, the Appellant shall lodge a sufficient Bond of Caution by One or more Obligants, to the Amount of Fifty Pounds Sterling, for Payment or Performance of any Judgment that may be pronounced under his Appeal; and also provided, that such Note be lodged in the Bill Chamber, and a Copy thereof served on the opposite Party or his said Agent within Eight Days after the Date of the Sentence or Judgment complained of, which Note shall in like Manner operate as a Sist of Execution until a Judgment be pronounced by the Lord Ordinary, which Judgment shall be final unless the Lord Ordinary shall allow a Reclaiming Note to the Inner House, and the Judgment of the Inner House shall be final.

Appeal in certain Cases.

111. No Appeal shall be competent, save in Cases so certified; and no Decree or Order, or any other Proceeding, Matter, or Thing done in the Execution of this Act shall, excepting as herein provided, be subject to Review in any way whatever.

No Appeal otherwise.

112. The Sheriff, Justices of the Peace, or Magistrates may in all Cases, notwithstanding their being Members of the Local Authority or the Board, exercise the Jurisdiction vested in them under this Act.

Justices being Members of Local Authority may act.

113. Notices, Petitions, and Orders under this Act may be served by delivering the same to or at the Residence of the Parties to whom they

Service of Notices, Petitions, and Orders.

they are respectively addressed, or by being put into the Post Office duly addressed to the Parties; and where addressed to the Owner or Occupier of Premises they may be served by delivering the same or a true Copy thereof to some Person upon the Premises, or if there be no Person upon the Premises who can be so served, by fixing the same upon some conspicuous Part of the Premises.

Proof of Resolutions of Local Authority and Board.

114. Copies of any Orders or Resolutions of the Local Authority or their Committee, purporting to be signed by the Chairman of such Body or Committee, and all Directions and Regulations, or Orders or Resolutions of the Board, signed by their Secretary or Clerk, shall, unless the contrary be shown, be received as Evidence thereof without Proof of their Meeting, or of the Official Character or Signature of the Person signing the same.

One or more Joint Owners may be proceeded against alone.

115. In case of any Demand or Complaint under this Act, to which Two or more Parties, whether as Owners or Occupiers of Premises, may be jointly answerable, it shall be sufficient to proceed against any One or more of them without proceeding against the others or other of them; but nothing herein contained shall prevent the Parties so proceeded against from recovering Relief in any Case in which they would now be entitled to Relief by Law.

Penalty on Occupier obstructing Owner.

116. If the Occupier of any Premises prevent the Owner thereof from obeying or carrying into effect the Provisions of this Act, the Sheriff or any Magistrate or Justice to whom Application is made shall, by Order in Writing, require such Occupier to permit the Execution of the Works required to be executed, provided that such Works appear to such Sheriff, Magistrate, or Justice to be necessary for the Purpose of obeying or carrying into effect the Provisions of this Act; and if within a reasonable Time after the making of such Order the Occupier against whom it is made refuse to comply therewith, he shall be liable to a Penalty not exceeding Five Pounds for every Day afterwards during the Continuance of such Refusal.

Penalty for violating Act or obstructing its Execution.

117. Whoever wilfully violates or contravenes any Provision of this Act to which a pecuniary Penalty is not herein attached, obstructs any Person acting under the Authority or employed in the Execution of this Act, or wilfully violates any Direction or Regulation issued by the Board under this Act, shall be liable for every such Offence to a Penalty not exceeding Five Pounds; provided that nothing in this Act shall exempt any Person from any Penalty or Liability to which he may otherwise be subject.

118. The

118. The making of Works of Distribution and Service for the Supply of Sewage to Lands for agricultural Purposes shall be deemed an Improvement of Land authorized by the Land Improvement Act, 1864, and the Provisions of that Act shall apply accordingly. Works of Distribution of Sewage to be deemed a Land Improvement.

119. Full Compensation shall be made, out of any Fund or Assessment applicable to the Purposes of this Act, to all Persons sustaining any Damage by reason of the Exercise of any of the Powers of this Act, except when otherwise specially provided; and in case of Dispute, if the Sum claimed do not exceed the Sum of Fifty Pounds Sterling, the same may be ascertained on a summary Application by either Party to the Sheriff, whose Decision shall be final and not subject to Review, unless when pronounced by the Sheriff Substitute, in which Case it may be reviewed by the Sheriff on Appeal; and when the Sum claimed exceeds Fifty Pounds Sterling, such Compensation shall be ascertained and disposed of in Terms of the Lands Clauses Acts. Compensation to be made.

120. No Conviction or other legal Proceeding under this Act shall be void for Want of Form, or for Want of any previous Notice, provided in this latter Case the Party proceeded against or convicted has appeared or the Charge had come to his Knowledge; and the Charge may be amended at any Time, and the Proceedings may be adjourned on the Ground of Want of sufficient Notice, or for other good Cause. Convictions not void for Want of Form.

121. The Local Authority and the Board shall not be liable in Damages for any Irregularity committed by their Officers in the Execution of this Act, or for anything done by themselves in the bonâ fide Execution of this Act; and every Officer acting in the bonâ fide Execution of this Act shall be indemnified by the Local Authority under which he acts in respect of all Costs, Liabilities, and Charges to which he may be subjected; and every Action or Prosecution against any Person acting under this Act, on account of any Wrong done in or by any Action, Proceeding, or Operation under this Act, shall be commenced within Two Months after the Cause of Action shall have arisen. Local Authority or Board not liable for Irregularity of their Officers.

122. The Forms contained in the Schedule to this Act annexed, or any Forms to the like Effect, may be used for the Purposes of this Act, and shall be sufficient therefor, and all written Proceedings or Documents under this Act may be wholly or partly printed. As to Forms to be used.

Exemption from Stamp Duties.

123. All Bonds, Assignations, Conveyances, Instruments, Agreements, Receipts, or other Writings made or granted by or to or in favour of the Local Authority under this Act shall be exempt from all Stamp Duties.

Police Constables to aid in executing Act.

124. The Constabulary and Police Force in their respective Jurisdictions shall aid the Authorities and Officers acting in execution of this Act, or any Directions or Regulations issued as aforesaid.

Act not to impair Right of Action, &c.

125. Nothing in this Act shall be construed to impair any Right of Action in respect of Nuisances at Common Law.

SCHE-

SCHEDULE OF FORMS.

FORM (A.)

Order for Admission of Local Authority or their Officer to inspect private Premises.

WHEREAS [*describe the Local Authority*] have by their Officer [*naming him*] made Application to me, *A.B.*, [*state Character in which Order made*], having Jurisdiction in [*describe the Place*], stating on Oath their [*or* his] Belief that a Nuisance within the Meaning of "The Public Health (Scotland) Act, 1867," exists in private Premises at [*describe Situation of Premises so as to identify them*] within my Jurisdiction, and that Demand of Admission to such Premises for the Inspection thereof has been duly made under the said Act and refused:

Therefore I hereby require you to admit the said [*name the Local Authority*], [*or* the Officer of the said (*Local Authority*)] for the Purpose of inspecting the said Premises.

Dated at this Day of 18 .

A.B

FORM (B.)

Notice of Nuisance.

To the Local Authority of the Burgh (*or* Parish) of .

WE [*or* I], the undersigned Inhabitant Householders [Sanitary Inspector, *or other Officer (describing him)* of the Parish *or* Burgh of] do hereby give you Notice, That to the best of our [*or* my] Knowledge and Belief there exists in the [Dwelling House, Yard, *&c., as the Case may be*], and Premises situate at No. in Street [*or such other Description as may be sufficient to identify the Premises*] in the Parish of in your District, under "The Public Health (Scotland) Act, 1867," the following Nuisance, videlicet, [*describing the Nuisance, as the Case may be*]; and that such Nuisance is caused or permitted to continue by [*naming the Person by whose Act or Default, or* by some Person unknown].

Day of One thousand eight hundred and .

[*Signed by Complainant or Complainants.*]

FORM (C.)

Certificate of Nuisance.

To the Local Authority of, *&c.* [*as in the Form of Notice*].

I, the undersigned, being Medical Officer of the under-mentioned Burgh [*or* Parish] of , do hereby certify to you, That to the best of my Knowledge and Belief there exists in the Premises [Dwelling House, *or* Yard, *&c.*] situate at No. in Street [*or such other Description as may be sufficient to identify the Premises*] in the Burgh [*or* Parish] of in your District, under "The Public Health (Scotland) Act, 1867," the following Nuisance [*describing the Nuisance, as the Case may be*], cognizable under that Act.

Day of One thousand eight hundred and .

A.B.

FORM (D.)

Order to permit Execution of Works by Owners.

WHEREAS Complaint hath been made to me, *E.F.*, Esquire, [*state Character in which Order made*], of by *A.B.*, Owner within the Meaning of "The Public Health (Scotland) Act, 1867," that *C.D.*, the Occupier of a Dwelling House [*or* Building, *or as the Case may be*] situate [*insert such a Description of the Premises as may be sufficient to identify them*] in the Parish of in the said County [*or* Burgh, *&c.*] prevents the said *A.B.* from obeying and carrying into effect the Provisions of the said Act, videlicet, [*here describe the Works generally, according to the Circumstances; for instance, thus*, cleansing *or* whitewashing *or* purifying the said Dwelling House (*or* Building), *or* erecting a Privy *or* Drain, *or* breaking an Aperture for Ventilation, *or* cleansing a foul and offensive Drain (Ditch, Gutter, Privy, Cesspool, *or* Ashpit)]; and not having shown sufficient Cause against the same, and it appearing to me that the said Works are necessary for the Purpose of enabling the said *A.B.* to obey and carry the same into effect, I therefore hereby order that the said *C.D.* do permit the said *A.B.* to execute the same in the Manner required by the said Act.

(*Date.*) *E.F.*

FORM (E.)

Petition for Removal of Nuisance.

Unto the Honourable the of the County [*or* Burgh] of , the Petition of the Local Authority of the Burgh [*or* Parish [of and of *A.B.*, residing in , as Sanitary Inspector of the said Burgh [*or* Parish].

Humbly showeth,

THAT the said Local Authority, Petitioners, have ascertained to their Satisfaction that the following Nuisance exists within their District, in contravention

tion of "The Public Health (Scotland) Act, 1867," Section Sixteen, viz: [*state Nature of Nuisance and Connexion of Party complained against with it*].

May it therefore please your to grant Warrant to serve this Petition, with the Deliverance thereon, on the said *C.D.*, and appoint the Petition to be answered within Three Days after such Service [*or* to order the Parties to attend your in Person], and thereafter, with or without Answers, to decern and ordain the said *C.D.* instantly to remove [*or* discontinue] the Nuisance complained of from the said Place, and that under the Penalties provided by the said Act, and to interdict him from and to find him liable in Expenses, or to do otherwise in the Premises as may seem meet.

According to Justice, &c.

FORM (F.)

Warrant for Citation of Respondent.

[*Place and Date.*] The grant Warrant to Officers of Court to serve a Copy of the foregoing Petition and of this Deliverance upon *C.D.*, Respondent, and allows the Respondent to answer the Petition within Three Days after Service, with Certification [*or* appoints the Respondent to attend personally before the] at on next at o'Clock before Noon, to answer in the Matter alleged.

FORM (G.)

Citation of Respondent.

To *C.D.* [*Designation.*]

TAKE notice, that you are required to give Obedience to the Warrant, of which, and of the relative Petition, the foregoing is a Copy.

This I do on the Day of .

[*Signature of Officer.*]

FORM (H.)

Certificate of Citation (to be written on the Petition).

I *G. W.*, Officer, certify that I this Day served the foregoing Petition and Warrant on the Respondent *C.D.*, by putting a Copy thereof, with Citation annexed, into the Post Office at addressed to him [*or otherwise in Terms of the Act, Section* 113].

FORM (I.)

Judgment.

[*Place and Date.*] The [*state Character in which Judgment pronounced*] find the Facts stated in the Petition proven [*or* admitted], decern and ordain the Respondent *C. D.* to remove [*or* discontinue] the Nuisance complained of: Further decern and ordain him to [*state any Acts to be done or Works to be executed for the Removal or Abatement of the Nuisance*] from the [*mention the Place*], and interdict him from
Find him liable in of Expenses, and decern (*or an Account of Expenses may be allowed to be given in and remitted for Taxation*).

[*Signature of Sheriff (or Justice or Magistrate).*]

FORM (K.)

Bond for Borrowed Money.

We *A.B.* [*Designation*], present Chairman of the Local Authority of the Burgh [*or* Parish] of and [*Designation*] and [*Designation*], Two of the Members of the said Local Authority, considering that, by Resolution of the said Local Authority passed on the Day of , it was resolved to borrow the Sum of Two hundred Pounds, under the Powers contained in "The Public Health (Scotland) Act, 1867," Section , for the Purpose of making and enlarging and constructing Sewers, and on Security of the after-mentioned Assessments, and that the said Resolution has been sanctioned by the Board of Supervision, conform to Resolution of that Board, dated ; and further, considering that we have accordingly borrowed and received the said Sum of Two hundred Pounds from , residing in ; therefore we bind the said Local Authority to repay the said Sum and Interest as follows; viz.—* To make Payment to the said *J.K.*, his Heirs, Executors, and Successors, of the Sum of Pounds Sterling, at the Term of Whitsunday next, One thousand eight hundred and sixty-eight, and the like Sum of Pounds at the Term of Martinmas following, and so forth, half-yearly at Whitsunday and Martinmas, for the Space of Twenty-five Years, making in whole Fifty of the said half-yearly Payments, and which Payments shall be in full Satisfaction of the said Loan, Principal and Interest; and in Security of the said half-yearly Payments we hereby assign to the said *J.K.* and his foresaids the Sewer Assessments (or Special Sewer Assessments laid upon the Sewerage District of) within the said Parish; and we consent to the Registration hereof in the Register of Sasines for the County of . In witness whereof, *&c.*

[*Or otherwise.*]

*at * supra, say,* to make Payment to the said *J.K.*, his Heirs, Executors, and Successors, at the Term of Whitsunday next, One thousand eight hundred and sixty-

sixty-eight, and also at the Term of Martinmas next, of the Interest, at Five per Cent., then due on the said Principal Sum, and also at the said Term of Martinmas of the Sum of , being One Twenty-fifth Part of the said Principal Sum; and so forth thereafter of the Interest as aforesaid, at Whitsunday and Martinmas, on the unpaid Balance of Principal, and at each Term of Martinmas of the like Sum of , being One Twenty-fifth Part of the original Principal Sum, so that the whole Sum, Principal and Interest, shall be extinguished in Twenty-five Years; and in Security of the said Loan we hereby assign, *&c.*, *as before.*

Public Health (Scotland)

A

B I L L

[AS AMENDED IN COMMITTEE]

To consolidate and amend the Law relating to the Public Health in Scotland.

(Prepared and brought in by Sir Graham Montgomery, Mr. Secretary Walpole, and Mr. Hunt.)

Ordered, by The House of Commons, *to be Printed,* 3 *June* 1867.

[Bill 179.]

Under 8 *oz.*

Public Health (Scotland) Bill.

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT.]

ARRANGEMENT OF CLAUSES,

Showing also whence the Provisions of the various Clauses of the Bill are taken, either in whole or in part.

Clauses.	Provisions of previous Acts.*
Preliminary.	
1. Short Title.	
2. Repeal of certain Acts.	
3. Interpretation.	
4. Incorporation of Lands Clauses Acts.	
PART I.	
Local Authority and Board of Supervision.	
5. As to Local Authorities to execute Act - -	1856, §§ 4, 5.
6. Where District in more than One County - -	1856, § 5.
7. Local Authorities incorporated. Committees may be appointed - - - - - -	1866, § 46. 1856, § 6.
8. Local Authority to appoint Sanitary Inspectors and other Officers - - - - -	1856, § 7.
9. Powers of Board to require Returns and examine Witnesses - - - - - -	1845, § 9.
10. Board may authorize Special Inquiries to be made -	1845, § 10.
11. Board may appoint Commissioners for conducting Special Inquiries - - - -	1845, § 11.
12. Board may allow Expenses of Witnesses - - -	1845, § 12.
13. Penalties on Parties giving false Evidence or refusing to obey Summons of Board - - -	1845, § 13.
14. Power of Board to appoint Clerks - - -	1845, § 14.
15. Salaries of legal Members of Board.	

* The short References are as follows :—

1845.—8 & 9 Vict. c. 83, Poor Law Amendment (Scotland) Act.
1848.—11 & 12 Vict. c. 63, Public Health Act.
1856.—19 & 20 Vict. c. 103, Nuisances Removal (Scotland) Act.
1861.—24 & 25 Vict. c. 61, Local Government Act Amendment Act.
1862.—25 & 26 Vict. c. 101, General Police and Improvement (Scotland) Act.
1865.—28 & 29 Vict. c 75, Sewage Utilization Act.
1866.—29 & 30 Vict. c. 90, Sanitary Act.

Clauses.	Provisions of previous Acts.
PART II.	
Removal of Nuisances.	
16. Description of Nuisances under this Act - - - -	1856, § 8. 1866, § 19. 1862, § 443. 1866, § 19.
17. Power of Entry to Local Authority or their Officers -	1856, § 9. 1866, § 31.
18. Proceedings of Local Authority when Nuisances are ascertained to exist - - - - -	1856, § 10. 1866, § 18.
19. Form of Interlocutor - - - - -	1856, § 11.
20. Penalty for Contravention of Decree and Interdict -	1856, § 12.
21. Order when Structural Works are required - -	1856, § 13.
22. Local Authority to do Works on Owner's or Occupier's Default, or if Person causing Nuisance cannot be found - - - - -	1856, § 14.
23. Manure, &c. to be sold - - - -	1856, § 15.
24. Foul Ditches, &c. may be replaced by Sewers -	1856, § 16. 1861, § 4.
25. Act not to affect Navigation of Rivers or Canals or Irrigation of Lands - - - - -	1856, § 17.
26. Penalty on Sale of unwholesome Meat - - -	1856, § 18.
27. Penalty for causing Water to be corrupted by Gas Washings, &c. - - - - - -	1856, § 19.
28. Such Penalties, &c. to be sued for within Six Months	1856, § 20.
29. Daily Penalty during the Continuance of the Offence	1856, § 21.
30. Offensive Trades to be subject to Regulations -	1862, § 448.
PART III.	
Prevention and Mitigation of Diseases under Order in Council.	
31. Privy Council empowered to issue Orders for Prevention of Diseases - - - -	1856, § 22.
32. When Order is issued, Board to be vested with certain Powers - - - - - -	1856, § 23.
33. Board may issue Regulations to carry out such Provisions of Order - - - - - -	1856, § 24.
34. Orders of Council, Directions and Regulations of Board, to be laid before Parliament - -	1856, § 25.
35. Matters to be provided for by such Regulations -	1856, § 26.
36. Power for Local Authority, &c. to enter Premises -	1856, § 27.

Clauses.	Provisions of previous Acts.
37. When Order in Council in force, overcrowded Houses to come under Common Lodging Houses Provisions	1856, § 28.
38. Order in Council to extend to Ports and Arms of the Sea	1856, § 29.
PART IV. *General Prevention and Mitigation of Diseases.*	
39. Power to provide Hospitals	1866, § 37.
40. Power to provide Means of Disinfection, and Carriages for Conveyance of infected Persons	1866, §§ 22, 23, 24.
41. Local Authority may erect public Waterclosets, &c.	1862, § 135.
42. Removal of Persons sick of infectious Disorders, and without proper Lodging in any District	1866, § 26.
43. Places for the Reception of dead Bodies may be provided at the Public Expense	1866, § 27.
44. In Burghs, &c. Local Authority may make Regulations as to Lodging Houses, with Consent of the Board	1866, § 35.
45. Rules as to underground Dwellings	1862, § 352. 1848, § 67.
46. Penalty on letting underground Dwellings	1862, § 353.
47. Cases in which Two Convictions have occurred within Three Months	1866, § 36.
48. Penalty on Person suffering from infectious Disease entering public Conveyance without notifying to Driver that he is so suffering	1866, § 40.
49. Penalty on any Person with infectious Disorder exposing himself, or on any Person in charge of such Sufferer causing such Exposure	1866, § 38.
50. Penalty on Persons letting Houses in which infected Persons have been lodging	1866, § 39.
51. Removal of Manure in Mews, &c.	1866, § 53.
52. Provision as to Ships within the Jurisdiction of Local Authority	1866, § 32.
53. Provision as to District of Local Authority extending to Places where Ships are lying	1866, § 30.

Clauses.	Provisions of previous Acts.
54. Medical Officer of Parish to be allowed to charge for attending Sick on board any Ship, and to be paid by Captain	1856, § 30.
55. Power to remove to Hospital sick Persons brought by Ships	1866, § 29.
56. Description of Ships within Provisions of 6 Geo. 4. c. 78., and Power to reduce Penalties imposed thereby	1866, § 52. 1866, § 51.
57. Power to defray Cost of Vaccination in certain Cases.	
58. Power to provide Grounds for public Recreation	1862, § 367.

PART V.

Regulation of Common Lodging Houses.

59. Common Lodging Houses to be registered	1856, § 31.
60. No Lodger to be received in Common Lodging House till it has been inspected and registered	1856, § 32.
61. Evidence of Register	1856, § 33.
62. Power of Local Authority to make Rules and Regulations respecting Common Lodging Houses, to take effect when confirmed by the Board	1856, § 34.
63. Such Rules and Regulations, when confirmed, to be printed, and furnished gratis to Keepers of Common Lodging Houses	1856, § 35.
64. Power to Local Authority to require an additional Supply of Water to Common Lodging Houses	1856, § 36.
65. Power to Local Authority to order Reports from Keepers of Common Lodging Houses	1856, § 37.
66. Local Authority may remove sick Persons from Common Lodging Houses to Hospitals, &c.	1856, § 38.
67. As to giving Notice of Fever, &c. occurring in Common Lodging Houses	1856, § 39.
68. As to Inspection of Common Lodging Houses	1856, § 40.
69. As to cleansing of Common Lodging Houses	1856, § 41.
70. Conviction for Third Offence, &c. to disqualify Persons from keeping Common Lodging Houses	1856, § 42.

Clauses.		Provisions of previous Acts.
	PART VI.	
	Sewers, Drains, and Water Supply.	
71.	Sewers to be vested in Local Authority	1848, § 43.
72.	Power to purchase Sewers	1848, § 44.
73.	Power to make Sewers	1848, § 45. 1861, § 4. 1865, § 4.
74.	Powers for utilizing Sewage	1865, § 14.
75.	Power of Entry	1865, § 5. 1848, § 143.
76.	Formation of Special Drainage District	1866, §§ 5, 6.
77.	Power to drain into Sewers of Local Authority	1866, § 8.
78.	Use of Sewers by Persons beyond District	1866, § 9.
79.	Penalty for making unauthorized Drains	1848, § 47.
80.	Estimates for Work	1848, § 85.
81.	Not to build over Sewers	1848, § 47. 1862, § 191.
82.	Sewers to be trapped	1862, § 192.
83.	Distilleries, &c. to deposit Refuse	1862, § 193.
84.	Drain discharging below High-water Mark	1862, § 195.
85.	As to Drainage of Houses	1866, § 10.
86.	Power of borrowing for Sewers	1862, § 196.
87.	Local Authorities may combine	1865, § 9.
88.	Supply of Water	1848, § 75. 1866, § 11.
89.	House without Supply of Water	1848, § 76.
90.	Water for Baths, &c.	1848, § 77.
91.	Cisterns, &c. to be supplied with Water	1848, § 78.
92.	Special Water Supply District	See § 76. *supra.*
93.	Power to borrow for Water Supply	See § 86. *supra.*
94.	Loans from Public Works Loan Commissioners	1865, § 12.
95.	Execution and Maintenance of Works as to Water Supply	See § 87. *supra.*
	PART VII.	
	Assessments.	
96.	Special Drainage Assessment	1865, § 6.

Clauses.	Provisions of previous Acts.
97. Special Water Supply Assessment.	
98. Assessment for general Expenses incurred in executing the Act	1856, § 56. 1862, § 90.
PART VIII.	
Enforcement of and Procedure under this Act.	
99. Procedure if Local Authority neglect their Duty under this Act	1856, § 43. 1866, § 49. 1862, § 445.
100. Provision for Refusal or Neglect of Local Authority	1845, § 87.
101. Procurator Fiscal may sue by Directions of the Board.	
102. Duties of Local Authorities as to Inspection of Nuisances, &c.; Procedure where Nuisance beyond District	1866, § 20.
103. Local Authority may require Payment of Costs or Expenses from Owner or Occupier, and Occupier paying to deduct from Rent	1866, § 34. 1856, § 55.
104. Penalty for wilful Damage of Works	1866, § 45.
105. Appearance of Local Authorities in legal Proceedings	1866, § 48.
106. Recovery of Penalties	1866, § 54.
107. Powers of Act cumulative	1866, § 55.
108. Form of Application to the Sheriff	1856, § 44.
109. No written Pleadings, &c. allowed	1856, § 45.
110. Appeal in certain Cases	1856, § 46.
111. No Appeal otherwise	1856, §§ 47, 49.
112. Justices being Members of Local Authority may act	1856, § 48.
113. Service of Notices, Petitions, and Orders	1856, § 50.
114. Proof of Resolutions of Local Authority and Board	1856, § 51.
115. One or more Joint Owners may be proceeded against alone	1856, § 52.
116. Penalty on Occupier obstructing Owner	1856, § 53.
117. Penalty for violating Act or obstructing its Execution	1856, § 54.
118. Works of Distribution of Sewage to be deemed a Land Improvement	1865, § 15.
119. Compensation to be made	1865, § 8.

Clauses.	Provisions of previous Acts.
120. Convictions not void from Want of Form, &c.	
121. Local Authority or Board not liable for Irregularity of their Officers.	
122. As to Forms to be used - - - -	1856, § 57.
123. Exemption from Stamp Duties.	
124. Police Constables to aid in executing Act - -	1856, § 58.
125. Act not to impair Right of Action, &c. - -	1856, § 59.
SCHEDULE.	

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

TO

Consolidate and amend the Law relating to the Public Health in Scotland.

WHEREAS it is expedient to consolidate and amend the Laws applicable to Scotland for Removal of Nuisances, for Prevention of Diseases, and for Sanitary Purposes generally: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Preliminary.

1. This Act may be cited for all Purposes as the "Public Health (Scotland) Act, 1867." Short Title.

2. From and after the First Day of November One thousand eight hundred and sixty-seven, the Nuisances Removal (Scotland) Act, 1856, except Part V. thereof, Sections 411 to 417, both inclusive, of the General Police and Improvement (Scotland) Act, 1862, and also the Sewage Utilization Act, 1865, and the Sanitary Act, 1866, so far as these Two last-mentioned Acts apply to Scotland, Repeal of 19 & 20 Vict. c. 103., and Sections of 25 & 26 Vict. c. 101., 28 & 29 Vict. c. 75., 29 & 30 Vict. c. 90.

Scotland, are repealed: Provided always, that all Proceedings commenced or taken under the said Acts or any of them, in so far as hereby repealed, and not yet completed, may be proceeded with under the said Acts or any of them, or under this Act; and all Orders in Council, and all Directions and Regulations issued by the Board of Supervision under the said Acts or any of them, and all Appointments made, and all Contracts or Works undertaken, and generally all Claims, Rights, and Liabilities, Civil or Criminal, constituted or existing under the said Acts, before the passing of this Act, with the Remedies and Proceedings applicable thereto under the said Acts or this Act, shall continue and be as effectual as if the said Acts had not been repealed; and where in any Enactments of any Act, General or Local, which shall continue in force after the Commencement of this Act, any of the Acts or Parts of Acts hereby repealed is cited or referred to, such Enactments shall be interpreted as if this Act were cited or referred to therein, and as if the Provisions of this Act were substituted for the Provisions hereby repealed.

Interpretation of certain Terms.

3. In this Act the following Words and Expressions shall have the Meanings herein-after assigned to them, unless such Meaning is inconsistent with the Context:

The Word "Board" shall signify the Board of Supervision for the Relief of the Poor in Scotland:

The Word "Secretary" shall include Assistant Secretary:

The Expression "Medical Officer" shall signify a duly qualified Medical Practitioner appointed under the Act Eighth and Ninth Victoria, Chapter Eighty-three, or under this Act:

The Word "Sheriff" shall include Sheriff Substitute:

The Word "Burgh" shall include not only Royal Burgh, Parliamentary Burgh, Burgh incorporated by Act of Parliament, Burgh of Barony, and Burgh of Regality, but also any populous Place having a Town Council, Police Commissioners or Trustees exercising the Functions of Police Commissioners under any General or Local Act:

The Word "Magistrate" shall include a Magistrate or Judge having Police Jurisdiction under the General Police and Improvement (Scotland) Act, 1862, or under any General or Local Police Act which may be in force:

The Word "Decree" or "decern" shall include any Warrant, Sentence, Judgment, Order, or Interlocutor:

The Word "Owner" shall signify the Person for the Time entitled to receive, or who would, if the same were let, be entitled to receive, the Rents of the Premises, and shall include a Trustee, Factor, Tutor, or Curator, and in case of Public or Municipal Property

Property shall apply to the Persons to whom the Management thereof is intrusted:

The Word "Ship" shall include any Sailing or Steam Ship, Vessel, or Boat:

The Word "Premises" shall include Lands, Buildings, Structures of any Kind, Streams, Lakes, Drains, Ditches, or Places open, covered, or inclosed, and any Ship, lying in any Sea, River, Harbour, or other Water, or ex adverso of any Place within the Limits of the Local Authority:

The Word "Person," and Words applied in this Act to any Person or Individual, shall apply to and include Women, Corporations, Clubs, Societies, Statutory Boards or Commissioners, Joint Stock Companies, Partnerships, Joint Owners, and Joint Occupants, and Trustees:

The Expression "Author of a Nuisance" shall signify the Person through whose Act or Default the Nuisance is caused, exists, or is continued, whether he be the Owner or Occupier, or both:

The Expression "Common Lodging House" shall signify a House or Part thereof where Lodgers are housed at an Amount not exceeding Fourpence per Night for each Person, whether the same be payable nightly or weekly, or at any Period not longer than a Fortnight, or where the House is licensed to lodge more than Twelve Persons:

The Expression "Keeper of a Common Lodging House" shall include any Person having or acting in the Care and Management of a Common Lodging House.

Incorporation of Lands Clauses Acts.

4. "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall, for the special Purposes herein-after mentioned, be incorporated with and form Part of this Act, and shall be herein-after referred to as "The Lands Clauses Acts."

PART I.

Local Authority and Board of Supervision.

As to Local Authorities to execute this Act.

5. The following Bodies shall respectively be the Local Authority to execute this Act in the Districts hereunder stated in Scotland:

In Places within the Jurisdiction of any Town Council, and not subject to the Jurisdiction of Police Commissioners or Trustees as after mentioned,—the Town Council:

In Places within the Jurisdiction of Police Commissioners or Trustees exercising the Functions of Police Commissioners under any General or Local Act,—the Police Commissioners or Trustees:

In any Parish, or Part thereof, over which the Jurisdiction of a Town Council or of Police Commissioners or Trustees exercising the Functions of Police Commissioners does not extend,—the Parochial Board of such Parish:

Board of Supervision to determine the Local Authority in Parishes not wholly within the Jurisdiction of a Town Council, &c.

Provided always, that where any Parish shall be partly within and partly beyond the Jurisdiction of a Town Council and of Police Commissioners or Trustees, and of a Parochial Board, or of any Two or more of such Bodies, the Board, if Application be made to them by any of these Bodies, or by any Person having Interest, may, if they see fit, determine which of the said several Bodies shall be the Local Authority within the whole Limits or within any Portion of such Parish, and the Board may from Time to Time recal or vary such Determination; and provided further, that all Determinations already made under the Fifth Section of the Nuisances Removal (Scotland) Act, 1856, shall be valid and effectual till recalled or varied under this Act.

Where District in more than One County.

6. Where any Parish or Burgh shall be situated in more than One County, the Board shall, on Application being made to them by any Person having Interest, determine in which One of such Counties such Parish or Burgh shall be held to be situated for the Purposes of this Act, whose Decision shall be final; and the Jurisdiction and Powers of Magistrates, Justices, and Sheriffs, and the Powers of their Officers under this Act, shall be regulated accordingly, and the Board may from Time to Time recal or vary such Determination; provided always, that all Determinations already made under the Fifth Section of the Nuisances Removal (Scotland) Act, 1856, shall be valid and effectual till recalled or varied under this Act.

Local Authorities to be Bodies Corporate. Committees may be appointed.

7. The Local Authorities shall respectively be Bodies Corporate, designated by such Names as they may usually bear or adopt, with Power to sue and be sued in such Names, and to hold Lands for the Purposes of this Act; and the Local Authority may appoint any Committee or Committees of their own Body to receive Notices, to take Proceedings, and in all or certain specified respects to execute this Act, whereof Two shall be a Quorum, unless a larger Quorum be specified in their Appointment; and such Local Authority or their Committee, thereto duly authorized, may, by Minute or other Writing signed by the Chairman of such Body or Committee, empower any Officer or Person to make Complaints and take Proceedings on their Behalf; and all Acts done or Proceedings taken by or against such Committee or Officer or Person shall be as valid as if they were done by or taken in the Name of all the Members of the Local Authority; and the Local Authority shall have Power to commence or carry on all Proceedings commenced, or which might have been commenced before the passing of this Act, by the Local Authority

under

under any of the before repealed Acts, and shall be vested with all Property or pecuniary Claims so vested in such last-mentioned Local Authority.

Local Authority to appoint Sanitary Inspectors and other Officers.

8. The Local Authority may, and where it shall be thought necessary by the Board for the Purposes of this Act, the Local Authority shall appoint a Sanitary Inspector or Inspectors, who shall be also Inspector or Inspectors of Common Lodging Houses, and a Medical Officer or Medical Officers, and may make Byelaws for regulating the Duties of such Inspectors and Medical Officers, which Byelaws shall not be effectual until they are approved of by the Board; and the Local Authority shall appoint convenient Places for their Offices, and shall allow to every such Inspector or Medical Officer on account of his Employment a proper Salary; and if no such Inspector or Medical Officer is appointed the Local Authority shall, in all Cases in which any Duty is laid on them by this Act, appoint some Person, where the same shall be necessary, to perform such Duty, and shall remunerate him as they shall see fit; and the Names and Addresses and Salaries of the said Inspectors and Medical Officers shall be reported by the Local Authority to the Board immediately on such Persons being appointed and such Salaries fixed; and the said Inspectors and Medical Officers shall be bound to make such Returns and Special Reports to the Board as the Board shall require them to make; and the said Inspectors shall be removable from Office only by the Board; except in the Case where the Local Authority is the Town Council or Police Commissioners or Trustees in any Burgh in Scotland having a Local Act for Police Purposes, or having a Population of Ten thousand or upwards according to the Census last taken, in which Case the Inspectors shall be removable from Office by the Local Authority.

Powers of the Board to require Returns an examine Witnesses.

9. It shall be lawful for the Board, upon written Application by Two or more Parties interested or upon the Report of any of their Inspecting Officers, to inquire into the Sanitary Condition of any Parish in Scotland, or into the Sanitary Condition of any Burgh in Scotland not having a Local Act for Police Purposes, or not having a Population of Ten thousand or upwards according to the Census last taken, and also in these Two latter Cases with the Consent of One of Her Majesty's Principal Secretaries of State; and for this Purpose the Board are hereby empowered to make Inquiries, and require Answers or Returns to be made to the Board upon any Question or Matter connected with or relating to the Purposes of this Act, and also by a Summons, signed by One of their Number or by the Secretary,

to require the Attendance of all such Persons as they may think fit to call before them upon any such Question or Matter, and to administer Oaths to and examine upon Oath all such Persons, and to require and enforce the Production upon Oath of all Books, Contracts, Agreements, Accounts, and Writings, or Copies thereof respectively, in anywise relating to any such Question or Matter, or in lieu of requiring such Oath as aforesaid, the Board may, if they think fit, require any such Person to make and subscribe a Declaration of the Truth of the Matters respecting which he shall have been or shall be so examined.

Board may authorize Special Inquiries to be made.

10. It shall and may be lawful for the Board, whenever it may seem fitting to them, with the Consent of One of Her Majesty's Principal Secretaries of State or of Her Majesty's Advocate for Scotland, to authorize and empower for a limited Time One of the Members thereof to conduct any Special Inquiry in any Part of Scotland, and to report thereon to the Board; and such Member so authorized and empowered shall be entitled to summon and examine on Oath Witnesses and Havers, and to exercise all such other of the Powers by this Act given to the Board as may be necessary for conducting such Inquiry, and such Member shall be reimbursed by the Board of all Expenses necessarily incurred by him in conducting such Inquiry, and such Expenses shall be deemed Part of the Expenses attending the Execution of this Act, and be defrayed in the same Manner as the General Expenses of the Board are now defrayed.

Board may appoint Commissioners for conducting Special Inquiries.

11. It shall and may be lawful for the Board, whenever it may seem fitting to them, with the Consent of One of Her Majesty's Principal Secretaries of State or of Her Majesty's Advocate for Scotland, or whenever the Board may be thereunto required by One of Her Majesty's said Secretaries of State or by Her Majesty's Advocate, to appoint some Person, not being a Member of the Board, but being a Member of the Faculty of Advocates, or a duly qualified Medical Practitioner, or an Architect or Surveyor or Engineer, or Two of such Persons, to act as a Commissioner or Commissioners for the Purpose of conducting any Special Inquiry for a limited Period, and to report thereon; and the Board shall delegate to every Person so appointed for the Purpose of conducting such Inquiry, all such of the Powers of the Board as they may deem necessary or expedient for summoning or examining Witnesses and Havers, and otherwise conducting such Inquiry; and every such Appointment shall be subject to the Approval of One of Her Majesty's said Secretaries of State or of Her Majesty's said Advocate; and every Person so appointed as aforesaid to conduct any

any Special Inquiry shall, before he enter on the Execution of his Duties, take an Oath de fideli administratione officii, which Oath may be administered to him by any Member of the Board, or by any One of the Judges of the Court of Session, or by the Sheriff of any County; and it shall not be necessary to notify the Appointment of any such Commissioner otherwise than by intimating the same by Letter under the Hand of the Secretary, or of any Member of the Board, to the Sheriff of the County within which the Inquiry in question is to be made; and every such Commissioner shall be reimbursed by the Board for all Expenses necessarily incurred by him in conducting such Inquiry, and shall also receive such reasonable Remuneration for his Time and Trouble as may have been agreed upon between him and the said Board, and approved of by the Commissioners of Her Majesty's Treasury, or by such Person or Persons as they shall name.

Board may allow Expenses of Witnesses, &c.

12. It shall be lawful for the Board, in any Case where they see fit, to order and allow such Expenses of Witnesses, and such Expenses of or concerning the Production of any Books, Contracts, Agreements, Accounts, or Writings, or Copies thereof, to or before the said Board, or Member thereof, or Commissioner or Commissioners, as such Board may deem reasonable; and such Expenses so ordered and allowed shall be deemed Part of the Expenses attending the Execution of this Act, and be defrayed in the same Manner as the general Expenses of this Board are now defrayed.

Penalties on Parties giving false Evidence or refusing to obey Summons of the Board.

13. If any Person, upon any Examination on Oath under the Authority of this Act, shall wilfully give false Evidence, he shall be deemed guilty of Perjury, and shall be liable to the Pains and Penalties thereof; and in case any Person shall wilfully refuse to attend in obedience to any Summons of the Board, or Member or Commissioner authorized or appointed by the Board as aforesaid, or to give Evidence, or shall wilfully refuse to produce any Books, Contracts, Agreements, Accounts, and Writings, or Copies of the same, which may be required to be produced before the Board, or Member thereof, or Commissioner or Commissioners, or shall wilfully neglect or disobey any of the Orders of the Board, or Member or Commissioner, or be guilty of any Contempt of the Board, or Member or Commissioner, such Person being thereof lawfully convicted, shall forfeit and pay for the First Offence any Sum not exceeding Five Pounds; for the Second and every subsequent Offence any Sum not exceeding Twenty Pounds nor less than Five Pounds.

Power of Board to appoint

14. The Board are hereby empowered from Time to Time to appoint all such Officers and Clerks as they shall deem necessary, and

and from Time to Time, at the Discretion of the Board, to remove such Officers and Clerks, or any of them, and to appoint others in their Stead; provided that the Amount of the Salaries of such Officers and Clerks shall from Time to Time be regulated by the Commissioners of Her Majesty's Treasury; and the Name of every Person so appointed or removed as aforesaid shall forthwith be intimated to One of Her Majesty's Principal Secretaries of State for his Approval, who shall be understood to approve of such Appointment or Removal, if no Notice to the contrary be received by the Board within Twenty-one Days from the Day of the Date of such Intimation.

Salaries of Legal Members of Board.

15. The Sheriffs of Perth, Renfrew, and Ross and Cromarty shall each receive, so long as they act as Members of the Board of Supervision, the Sum of One hundred and fifty Pounds Sterling per Annum, and such Allowance shall come in place of the Allowance of One hundred Pounds Sterling provided to the said Sheriffs by the Act Eighth and Ninth of Her Majesty, Chapter Eighty-three, Section Four.

PART II.

Removal of Nuisances.

Description of Nuisances under this Act.

16. The Word "Nuisance" under this Act shall include—

(*a.*) Any Insufficiency of Size, Defect of Structure, Defect of Ventilation, Want of Repair or proper Drainage, or suitable Watercloset, or Privy Accommodation or Cesspool and any other Matter or Circumstance rendering any inhabited House, Building, Premises, or Part thereof, injurious to the Health of the Inmates or unfit for Human Habitation or Use:

(*b.*) Any Pool, Watercourse, Ditch, Gutter, Drain, Sewer, Privy, Urinal, Cesspool, or Ashpit so foul as to be injurious to Health, or any Well or other Water Supply used as a Beverage or in the Preparation of Human Food, the Water of which is so tainted with Impurities or otherwise unwholesome as to be injurious to the Health of Persons using it, or calculated to promote or aggravate epidemic Disease:

(*c.*) Any Stable, Byre, Pigstye, or other Building in which any Animal or Animals are kept in such a Manner as to be injurious to Health:

(*d.*) Any Accumulation or Deposit of Manure or other offensive Matter within Fifty Yards of any Dwelling House within the Limits of any Burgh, or wherever situated, if injurious to

to Health, or any Accumulation of Police Manure within a Quarter of a Mile of the Municipal Boundaries of any Burgh:

(*e.*) Any Work, Manufactory, Trade, or Business injurious to the Health of the Neighbourhood, or so conducted as to be offensive or injurious to Health, or any Collection of Bones or Rags injurious to Health:

(*f.*) Any House or Part of a House so overcrowded as to be dangerous or injurious to the Health of the Inmates:

(*g.*) Any Factory, Workshop, or Workplace, not under the Operation of any General Act for the Regulation of Factories or Bakehouses, and not kept in a cleanly State, or not ventilated in such a Manner as to render harmless, as far as practicable, any Gases, Vapours, Dust, or other Impurities generated in the course of the Work carried on therein, and injurious or dangerous to the Health of Persons employed therein, or any such Factory, Workshop, or Workplace as is so overcrowded, while Work is carried on therein, as to be dangerous or injurious to the Health of those employed therein:

(*h.*) Any Fireplace or Furnace which does not as far as practicable consume the Smoke arising from the combustible Matter used in such Fireplace or Furnace, and is used within any Burgh, for working Engines by Steam, or in any Mill, Factory, Dyehouse, Brewery, Bakehouse, or Gaswork, or in any Manufactory or Trade Process whatsoever:

(*i.*) Any Chimney (not being the Chimney of a private Dwelling House) sending forth Smoke, so as to be injurious to Health:

Provided that in Places where at the Time of the passing of this Act no Enactment is in force compelling Fireplaces or Furnaces to consume their own Smoke, the foregoing Enactment as to Fireplaces and Furnaces consuming their own Smoke shall not come into operation until the Expiration of One Year from the Date of the passing of this Act:

(*j.*) Any Churchyard, Cemetery, or Place of Sepulture so situated or so crowded with Bodies or otherwise so conducted as to be offensive or injurious to Health.

Power of Entry to Local Authority or their Officers.

17. If the Local Authority or Sanitary Inspector have reasonable Grounds for believing that Nuisance exists in any Premises, such Local Authority or Inspector may demand Admission for themselves, the Superintendent of Police, and the Medical Officer, or any other Person or Persons whom the Local Authority may desire

desire to inspect such Premises, or for any or all of them, to inspect the same at any Hour between Nine in the Morning and Six in the Evening, or at any Hour when the Operations suspected to cause the Nuisance are in progress or are usually carried on; and if Admission be refused, the Local Authority or Sanitary Inspector may apply to the Sheriff, or to any Magistrate or Justice of the Peace having Jurisdiction in the Place, stating on Oath such Belief; and such Sheriff, Magistrate, or Justice may, with or without Intimation to the Owner, Occupier, or Person in charge of the Premises, by Order in Writing, require the Occupier or Person having the Custody of such Premises to admit the Local Authority and others foresaid; and if such Occupier or Person refuse or fail to obey such Order, he shall on Conviction of such Offence be liable to a Penalty not exceeding Five Pounds; and on being satisfied of such Failure or Refusal, the Sheriff, Magistrate, or Justice may grant Warrant to such Person or Persons for immediate forcible Entry into the Premises; and if no such Occupier or Person can be discovered, or if no Person is found on the Premises to give or refuse Admission, the Local Authority or their Officers may enter the Premises without any Order or Warrant, and forcibly, if need be.

Proceedings by Local Authority when Nuisances are ascertained to exist.

18. In any Case where the Existence of a Nuisance is ascertained to their Satisfaction by the Local Authority, or is certified to them in Writing, signed by the Medical Officer, or where the Nuisance in the Opinion of the Local Authority did exist at the Time when Demand of Admission was made or the Certificate was given, and although the same may have been since removed or discontinued, is in their Opinion likely to recur or to be repeated, they may apply to the Sheriff or to any Magistrate or Justice, by summary Petition in manner herein-after directed, and if it appear to his Satisfaction that the Nuisance exists, or if removed or discontinued since the Demand of Admission was made or the Certificate was given, that it is likely to recur or to be repeated, he shall decern for the Removal or Remedy or Discontinuance or Interdict of the Nuisance, as herein-after mentioned; provided that in the Cases under the Heads marked (*e.*) and (*g.*) in Section Sixteen such Application shall be made only on Medical Certificate as aforesaid, or on a Requisition in Writing under the Hands of any Ten Inhabitants of the District of the Local Authority; and that in these Cases, and the Cases under the Heads marked (*h*) and (*i*) in said Sections, shall be made only to the Sheriff; and farther, that in the Cases under the Head marked (*j.*) in Section Sixteen it shall not be necessary to cite any Person as the Author of the Nuisance, but such Application shall be proceeded with by the Sheriff (to whom alone it shall be made) after such Intimation to the Collector of

of the Churchyard or other Dues, or to such other Person as to the Sheriff shall seem meet; and such Person or Persons as shall appear after such Intimation shall, if the Sheriff think proper, be allowed to be heard and to object to such Application in the same Manner as if he or they were the Author of the alleged Nuisance within the Meaning of this Act.

Form of Interlocutor.

19. It shall not be necessary to restrict such Decree to any special Remedy prayed for in the Petition, but, as the Case shall require, the Author of the Nuisance or Owner of the Premises may be ordained to provide sufficient Privy or Watercloset or Ashpit Accommodation, Means of Drainage or Ventilation for, or to repair, make safe, and habitable, or to floor, pave, cleanse, whitewash, disinfect, or purify, the Dwelling House, Building, or Premises, or to drain, empty, cleanse, fill up, cover, repair, or remove any Pool, Ditch, Gutter, Watercourse, Privy, Cesspool, Drain, or Ashpit, or to shut up or purify any Well, or to provide a Substitute for that complained of, or to abstain from any Operation which may pollute a Well or Stream from which the Inhabitants obtain a Supply of Water, or to cease to use the Water of any Well or Stream as a Beverage or in the Preparation of Human Food, or to remove the Animal, or to carry away the offensive Matter, or to discontinue the Work, Trade, Manufactory, or Business, or prevent the injurious Effects thereof (according to the Nature of the Case), or to limit the Number of Persons who may be accommodated in any House or Part thereof overcrowded, or the Number of separate Dwellings into which such House or Part thereof may be divided or let for the Use of separate Families or Persons, or to increase the Means of Ventilation, or to shut up or regulate the Use of any Churchyard, Cemetery, or Place of Sepulture, or to do such other Works or Acts as are necessary to remove the Nuisance complained of, in such Manner and within such Time as in the Interlocutor shall be specified; and if the Sheriff, Magistrate, or Justice is of opinion that such or the like Nuisance is likely to recur, he may further grant Interdict against the Recurrence of it, or do otherwise, as the Case may in his Judgment require; and if the Nuisance proved to exist be such as to render a House or Building unfit for Human Habitation, he may prohibit the using thereof for that Purpose until it is rendered fit for that Purpose, or do otherwise as the Case may in his Judgment require.

Penalty for Contravention of Decree and of Interdict.

20. If the said Decree be not complied with in good and sufficient Manner, and within the Time appointed, the Author of the Nuisance, or the Owner, as the Case may be, shall be liable, in the Case of Nuisances specified in Clauses (*a.*), (*b.*), (*c.*), (*d.*), (*f.*), (*i.*),

and (*j.*) in Section Sixteen of this Act, to a Penalty of not more than Ten Shillings per Day during his Failure so to comply; and if the said Interdict be knowingly infringed by the Act or Authority of the Owner or Occupier, such Owner or Occupier shall be liable for every such Offence to a Penalty not exceeding Twenty Shillings per Day during such Infringement; and in the Case of Nuisances specified in Clauses (*e.*), (*g.*), and (*h.*) in the said Section, the Party not complying with or infringing such Decree shall be liable to a Penalty not exceeding Five Pounds nor less than Two Pounds for the First Offence, and of Ten Pounds for the Second, and for each subsequent Conviction a Sum double the Amount of the Penalty in the last preceding Conviction, but no Penalty shall exceed Two hundred Pounds: Provided always, in the Case of such last-mentioned Nuisance (*h.*), that if it appears to the Sheriff, that the best Means then known to be available for mitigating the Nuisance, or the injurious Effects thereof, have not been adopted, he may suspend his final Determination, upon Condition that the Author of the Nuisance shall undertake to adopt within a reasonable and definite Time such Means as he shall judge to be practicable, and order to be carried into effect, for mitigating or preventing such injurious Effects.

Order when structural Works are required.

21. When it shall appear to the Sheriff, Magistrate or Justice, that the Execution of structural Works is required for the Removal or Remedy of a Nuisance, he may appoint such Works to be carried out under the Direction and subject to the Approval of any Person he may appoint; and he may, before making his Order, require the Local Authority, within a Time to be specified by him, to furnish him with an Estimate of the Cost of the required Works.

Local Authority to do Works on Owner's or Occupier's Default, or if Person causing Nuisance cannot be found.

22. In case of Noncompliance with or Infringement of any Decree aforesaid, the Sheriff, Magistrate, or Justice may, on Application by the Local Authority, grant Warrant to such Person or Persons as he may deem right to enter the Premises to which such Decree relates, and remove or remedy the Nuisance thereby condemned or interdicted, and do whatever may be necessary in execution of such Decree; or if in the original Application it appears to his Satisfaction that the Author of the Nuisance is not known or cannot be found, then such Decree may at once ordain the Local Authority to execute the Works thereby directed; and all Expenses incurred by the Local Authority in executing the Works may be recovered from the Author of the Nuisance or the Owner of the Premises.

23. Any

Manure, &c. to be sold.

23. Any Article or Articles removed by the Local Authority in pursuance of this Act may be sold by Public Roup, after not less than Five Days Notice by printed Handbills posted in the Locality, except in Cases where Delay would be prejudicial to Health, or in which the Article or Articles are not of the Value of Two Pounds or upwards, in which Case the Sheriff, Magistrate, or Justice may, by Writing under his Hand, order the immediate Removal, Sale, or Destruction of the Thing, and the Proceeds of the Sale shall be retained by the Local Authority, and applied pro tanto in Payment of all Expenses incurred under this Act with reference to such Nuisance; and the Surplus, if any, shall be paid, on Demand, by the Local Authority, to the Owner of such Thing; and the Balance of such Expenses shall be defrayed, if such Proceeds are insufficient for that Purpose, by the Author of the Nuisance or the Owner of the Premises.

Foul Ditches, &c. may be replaced by Sewers.

24. Whenever any Watercourse, Ditch, Gutter, or Drain along the Side of any public Road, Street, or Lane shall be used or partly used for the Conveyance of any Water, Sewage, or other Matter from any Premises, and cannot in the Opinion of the Local Authority be rendered free from Foulness or offensive Smell without the laying down of a Sewer or of some other Structure, such Local Authority shall and they are hereby required, subject to the Approval of the Board, to lay down such Sewer or other Structure within the Limits of their District, or, where necessary for the Purpose of Outfall or Distribution of Sewage, without their District, and to keep the same in good and serviceable Repair; and they may enter any Premises for such Purposes, and use such Part thereof as shall be necessary, and for such Use shall pay such Damages as may be assessed by the Sheriff on a summary Application, and to such Party as the Sheriff may direct: Provided always, that no Damage shall be payable to any Person who has caused or contributed to cause such Watercourse, Ditch, Gutter, or Drain to become foul or offensive, unless such Person shall satisfy the Sheriff that he had justifiable excuse for so doing; and such Local Authority are hereby authorized and empowered to assess the Owners of all the Premises (according to the yearly Value thereof) from which then or at any Time thereafter any Material other than pure Water flows, falls, or is carried into the said Sewer or other Structure, for Payment of all Expenses incurred in making and maintaining the same, and that either in One Sum or in Instalments, as they shall think just and reasonable, and after Fourteen Days Notice at the least left with the said Owners, if resident within the District, and if not so resident with the Occupiers of the said Premises, to levy and collect the Sums so assessed, with the same Remedies

in case of Default in Payment thereof, as are herein-after provided with Reference to the general Charge and Expenses incurred by the Local Authority under this Act.

Act not to affect Navigation of Rivers or Canals, or Irrigation of Lands.

25. Nothing in this Act contained shall enable any Local Authority or other Person to injuriously affect—

(1.) The Irrigation of Lands in a rural District, or the Supply of Water used for such Irrigation;

(2.) The Supply of Water required for the Purposes of any Waterworks established by Act of Parliament, or of the Compensation Water required to be given by the Owners of such Waterworks, unless the Local Authority shall have previously obtained the Consent of such Owners;

(3.) The Navigation on or Use of any River, Canal, Dock, Harbour, Lock, Reservoir, or Basin, in respect of which any Persons are by virtue of any Act of Parliament entitled to take Tolls or Dues, or to the Supply of Water to the same, or any Bridges crossing the same, or any Towing Path thereon;

Provided always, That it shall not be lawful for the Local Authority to execute any Works in, through, or under any Wharves, Quays, Docks, Harbours, Locks, Reservoirs, or Basins without the Consent in Writing in every Case of the Persons entitled by virtue of any Act of Parliament to take Tolls or Dues in respect thereof, and such Persons may at their own Expense, and on substituting other Sewers, Drains, Culverts, and Pipes equally effectual, and certified as such by the Inspector to the Local Authority, take up, divert, or alter the Level of any Sewers and Drains, Culverts or Pipes, constructed by any Local Authority, and passing under or interfering with such Rivers, Canals, Docks, Harbours, Reservoirs, or Basins, or the Towing Paths thereof, and do all such Matters and Things as may be necessary for carrying into effect such taking up, Diversion, or Alteration.

Penalty on Sale of unwholesome Meat.

26. The Sanitary Inspector may at all reasonable Times enter any Premises to inspect and examine any Carcass, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables exposed for Sale, or which there is probable Cause for believing to be intended for Human Food; and in case any such Carcass, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables appear to him to be unfit for such Food, the same may be seized without any Warrant; and if it appear to the Sheriff, or any Two Magistrates or Justices, that any such Carcass, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables are unfit for the Food of Man, he or they shall, by a Writing under his or their Hand or Hands, order the same to be destroyed,

or

or to be so disposed of as to prevent the same being exposed for Sale or used for such Food ; and the Person to whom such Carcass, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables belong, or in whose Custody the same are found, shall be liable to a Penalty not exceeding Ten Pounds for such Carcass, Piece of Meat or Flesh, or for any Quantity of Fish, Poultry, Game, Fruit or Vegetables, or any Refuse thereof, and also to pay all Expenses caused by the Seizure, Detention, or Disposal thereof.

Penalty for causing Water to be corrupted by Gas Washings, &c.

27. Any Person engaged in the Manufacture of Gas, Naphtha, Vitriol, Paraffine, or Dye Stuffs, or any other deleterious Substance, or in any Trade in which the Refuse produced in any such Manufacture is used, who shall at any Time cause or suffer to be brought or to flow into any Stream, Reservoir, Aqueduct, Well, or Pond, or Place for Water, constructed or used for the Supply of Water for domestic Purposes, or into any Pipe or Drain communicating therewith, any Product, Washing, or other Substance produced in any such Manufacture, or shall wilfully do any Act connected with any such Manufacture, whereby the Water in any such Stream, Reservoir, Aqueduct, Well, Pond, or Place for Water shall be fouled, and any Person who shall wilfully do or permit to be done any Act whereby the Water in any Stream, Reservoir, Aqueduct, Well, Pond, or Place constructed for the Supply of Water for domestic Purposes shall be fouled, shall forfeit for every such Offence a Sum not exceeding Fifty Pounds.

Such Penalties, &c. to be sued for within Six Months.

28. Such Penalty may be recovered, with Expenses, by the Person into whose Water such Product, Washing, or other Substance shall be conveyed or shall flow, or whose Water shall be fouled by any such Act as aforesaid, or in default of Proceedings by such Person, after Notice to him from the Local Authority of their Intention to proceed for such Penalty, or if there be no such Person, by the Local Authority; but such Penalty shall not be recoverable unless it be sued for during the Continuance of the Offence, or within Six Months after it shall have ceased.

Daily Penalty during the Continuance of the Offence.

29. In addition to the said Penalty (and whether such Penalty shall have been recovered or not), the Person so offending shall forfeit a Sum not exceeding Five Pounds (to be recovered in the like Manner) for each Day during which such Product, Washing, or other Substance shall be brought or shall flow as aforesaid, or during which the Act by which such Water shall be fouled shall continue, after the Expiration of Twenty-four Hours from the Time when Notice of the Offence shall have been served on such Person

by the Local Authority, or by the Person into whose Water such Product, Washing, or other Substance shall be brought or flow, or whose Water shall be fouled thereby, and such Penalty shall be paid to the Local Authority or Person from whom such Notice shall proceed; and all Monies recovered by the Local Authority under this or the preceding Section shall, after Payment of any Damage caused by the Act for which the Penalty is imposed, be applied towards defraying the Expenses of executing this Act.

Offensive Trades to be subject to Regulations.

30. The Business of a Blood Boiler, Bone Boiler, Tanner, Slaughterer of Cattle, Horses, or Animals of any Description, Soap Boiler, Skinner, Tallow Melter, Tripe Boiler, or other Business, Trade, or Manufacture injurious to Health, shall not, after the passing of this Act, be newly established or enlarged in any Building or Place within any Burgh or Village, or within Five hundred Yards therefrom, without the Consent in Writing of the Local Authority previously had and obtained, and published in One or more Newspapers circulating within the District; and if any Question arises under this Section as to the Existence or Limits of a Burgh or Village, or as to the Extent included within the said Five hundred Yards, or as to whether a Business, Trade, or Manufacture, other than those above specified, is injurious to Health, or as to whether such Consent ought to have been given, any such Question shall be finally determined by the Board; and the Party dissatisfied may bring the same before the Board within Twenty-one Days after the Resolution or Order of the Local Authority has been published as aforesaid; and any Person contravening this Enactment shall, in addition to Discontinuance of such Business, Trade, or Manufacture, be liable for each Offence to a Penalty not exceeding Fifty Pounds, and a further Penalty of not exceeding Forty Shillings for each Day during which the Offence is continued; and the Local Authority may from Time to Time make such Byelaws with respect to any such Businesses so newly established as they may think necessary, and in order to prevent or diminish the noxious or injurious Effect thereof.

PART III.

Prevention and Mitigation of Diseases under Order in Council.

Privy Council empowered to issue

31. Whenever any Part of the United Kingdom appears to be threatened with or is affected by any formidable epidemic, endemic, or contagious Disease, the Lords and others of Her Majesty's Most Honourable

Orders for Prevention of Diseases.

Honourable Privy Council, or any Three or more of them (the Lord President of the Council or One of Her Majesty's Principal Secretaries of State being One), may, by Order or Orders by them from Time to Time made, direct that the Provisions for the Prevention of Diseases contained in Part III. hereof be put in force in Scotland, or in such Parts thereof or in such Places therein as in such Order or Orders may be expressed, and may from Time to Time, as to all or any of the Parts or Places to which any such Order or Orders extend, and in like Manner, revoke or renew any such Order; and, subject to Revocation and Renewal as aforesaid, every such Order shall be in force for Six Calendar Months, or for such shorter Period as in such Order shall be expressed; and every such Order of Her Majesty's Privy Council or any Members thereof as aforesaid shall be certified under the Hand of the Clerk in Ordinary of Her Majesty's Privy Council, and shall be published in the Edinburgh Gazette, and such Publication shall be conclusive Evidence of such Order.

When Order is issued, Board to be vested with certain Powers.

32. When any such Order has been issued, the Board shall be vested with the Powers after provided; and it shall be lawful for Her Majesty to appoint the Sheriff of any County in Scotland, other than Renfrew, Perth, or Ross and Cromarty, to be an additional Member of the Board during the Subsistence of such Order, and such Sheriff shall receive such Remuneration as the Commissioners of Her Majesty's Treasury may think proper, not exceeding One hundred and fifty Pounds per Annum, to be paid out of Money to be voted for that Purpose by Parliament; and the Board may also appoint a General or Superintending Medical Officer to act under their Directions during such Period, and such Officer shall receive a Salary to be fixed and paid in like Manner; and the Board may, with the Sanction of the said Commissioners of Her Majesty's Treasury, employ such additional Clerks as may be necessary during such Period; and the Salary of such Clerks and the Office Expenses incurred under this Act shall be defrayed in the same Manner as the general Expenses of the Board are now defrayed.

Power to appoint a Medical Officer and additional Clerks.

Board may issue Regulations to carry out such Provisions of Order.

Local Extent and Duration of the Regulations of the Board.

33. From Time to Time, after the issuing of any such Order as aforesaid, and whilst the same continues in force, the Board may issue such Directions and Regulations as they shall think fit for the Prevention, as far as possible, or Mitigation of such epidemic, endemic, or contagious Diseases, and from Time to Time may revoke, renew, and alter any such Directions and Regulations; and the same shall extend to all Parts or Places in which the Provisions of this Act for the Prevention and Mitigation of Disease shall, for the

the Time being, be put in force under such Orders as aforesaid, unless such Directions and Regulations be expressly confined to some of such Parts or Places, and then to such Parts or Places as therein are specified; and (subject to the Power of Revocation and Alteration herein contained) such Directions and Regulations shall continue in force so long as the said Provisions of this Act shall, under such Order, be applicable to the same Parts or Places; and all such Directions and Regulations shall be published by being inserted in the Edinburgh Gazette, which Publication shall be conclusive Evidence thereof, and may be further published, and may be specially communicated to any Local Authority, by the Secretary of the Board, as the Board may direct.

Publication of Rules and Regulations.

Orders of Council, Directions and Regulations of Board, to be laid before Parliament.

34. Every Order of Her Majesty's Privy Council, and Direction and Regulation of the Board under Part III. of this Act, shall be laid before both Houses of Parliament forthwith upon the issuing thereof, if Parliament be then sitting, and if not then within Fourteen Days next after the Commencement of the then next Session of Parliament.

Matters to be provided for by such Regulations.

35. The Board, by such Directions and Regulations, may provide,

For the speedy Interment of the Dead:

For House to House Visitation:

For the dispensing of Medicines, and for affording to Persons afflicted by or threatened with such epidemic, endemic, or contagious Diseases such Medical Aid and such Accommodation as may be required:

For any such Matters or Things as may to them appear advisable for preventing or mitigating such Diseases:

Local Authority shall execute Regulations, and may direct Prosecution for violating the same.

And the Local Authority shall superintend and see to the Execution of such Directions and Regulations, and shall do and provide all such Acts, Matters, and Things as may be advisable for mitigating such Disease, or for superintending or aiding in the Execution of such Directions and Regulations, or for executing the same, as the Case may require, and may direct any Prosecutions or legal Proceedings for or in respect of the wilful Violation or Neglect of any such Directions and Regulations, and such wilful Violation or Neglect shall be deemed to be an Offence under this Act.

Power for Local Authority, &c. to enter Premises.

36. The Local Authority acting in the Execution of such Directions and Regulations, or the Officers or Persons by them in this Behalf authorized, may enter at reasonable Times in the Daytime and inspect any Premises where they have Ground for believing that any Person has recently died of any such Disease,

or

or that Necessity may otherwise exist for executing in relation to the Premises any of such Directions and Regulations.

37. When any such Order in Council is in force in any Place, on the Certificate of a Sanitary Inspector, or of a Medical Officer, or of Two duly qualified Medical Practitioners, or other sufficient Evidence, that any House or Part of a House is so overcrowded as to be dangerous to Health, the Local Authority shall have Power to regulate the same according to the Provisions of this Act in reference to Common Lodging Houses.

When Order in Council in force, overcrowded Houses to come under Common Lodging Houses Provisions.

38. All Orders in Council for executing this Act shall extend to Ports and Arms of the Sea lying within the Jurisdiction of the Admiralty, and adjacent to the Places to which such Orders relate; and the Board may issue, under the said Orders, Directions and Regulations for cleansing, purifying, ventilating, and disinfecting, and preventing Disease in Ships and Vessels, as well upon Arms and Ports of the Sea aforesaid as upon inland Waters.

Order in Council to extend to Ports and Arms of the Sea.

PART IV.

General Prevention and Mitigation of Disease.

39. The Local Authority may provide within their District Hospitals or temporary Places for the Reception of the Sick, for the Use of the Inhabitants.

Power to provide Hospitals.

Such Authority may build such Hospitals or Places of Reception, provided the Board approve of the Situation and Construction thereof, or they may make Contracts for the Use of any existing Hospital or Part of an Hospital, or for the temporary Use of any Place for the Reception of the Sick.

Such Authority may enter into any Agreement with any Person or Body of Persons having the Management of any Hospital for the Reception of the sick Inhabitants of their District, on Payment by the Local Authority of such annual or other Sum as may be agreed upon.

Two or more contiguous Local Authorities having respectively the Power to provide separate Hospitals may combine in providing a Common Hospital, provided the Board approve of the Situation and Construction thereof, and all Expenses incurred by such Authorities in providing such Hospital shall be deemed to be Expenses incurred by them respectively in carrying into effect the Purposes of this Act, and if any Question shall arise as to the Allocation of Ex-

penses, the same shall be determined by the Board, whose Decision shall be final; and such Common Hospital shall be deemed to be for the Purposes of this Act an Hospital within the District of each of the Local Authorities so combining.

Power to provide Means of Disinfection, and Carriages for Conveyance of infected Persons.

40. The Local Authority in each District may provide a proper Place, with all necessary Apparatus and Attendance, for Disinfection of Woollen or other Articles, Clothing, or Bedding which have become infected, and they may cause any Articles brought for Disinfection to be disinfected free of Charge; and it shall be lawful at all Times for the Local Authority to provide and maintain a Carriage or Carriages suitable for the Conveyance of Persons suffering under any contagious or infectious Disease, and to pay the Expense of conveying any Person therein or otherwise to a Hospital or Place for the Reception of the Sick or to his own Home; and farther, if the Local Authority shall be of opinion, upon the Certificate of any legally qualified Medical Practitioner, that the cleansing and disinfecting of any House or Part thereof, and of any Articles therein likely to retain Infection, would tend to prevent or check contagious or infectious Disease, it shall be the Duty of the Local Authority to give Notice in Writing, requiring the Occupier or Owner of such House or Part thereof to cleanse and disinfect the same; and if the Person to whom Notice is so given fail to comply therewith within the Time specified in the Notice, he shall be liable to a Penalty not exceeding One Pound for every Day during which he continues to make default; and the Local Authority shall cause such House or Part thereof to be cleansed and disinfected, and may recover the Expenses incurred from the Occupier or Owner; and when such Occupier or Owner is from Poverty or otherwise unable, in the Opinion of the Local Authority, effectually to carry out such cleansing and Disinfection, the Local Authority may, at their own Expense, cleanse and disinfect such House or Part thereof, and any such Articles therein.

Local Authority may erect public Water-closets, &c.

41. The Local Authority may erect such public Waterclosets, Privies, and Urinals, and in such Situations, as they may think fit, and may defray the Expense thereof, and of keeping the same in Repair and in good Order, and shall cause such Privies to be cleansed daily; and the Local Authority may also, by written Notice to the Owner or Occupier of any Schoolhouse or of any Factory or Building in which more than Ten Persons are employed at One Time in any Manufacture, Trade, or Business, require them or either of them, within a Time specified, to construct a sufficient Number of Water-closets or Privies for the separate Use of each Sex; and any Person failing

failing to comply with such Notice shall be liable for each Offence in a Penalty not exceeding Twenty Pounds.

Removal of Persons sick of infectious Disorders, and without proper Lodging, in any District.

42. Where a Hospital or Place for the Reception of the Sick is provided or exists within the District of a Local Authority, the Sheriff or any Magistrate or Justice may, on the Application of the Local Authority, with the Consent of the Superintending Body of such Hospital or Place, by Order on a Certificate signed by a legally qualified Medical Practitioner, direct the Removal to such Hospital or Place for the Reception of the Sick, at the Cost of the Local Authority, of any Person suffering from any dangerous, contagious, or infectious Disorder, and being without proper Lodging or Accommodation, or lodged in a Room occupied by others besides those in attendance on such Person, or being on board any Ship or Vessel, or may direct the Removal from the Room occupied by such Person of all others not in attendance on him, the Local Authority providing suitable Accommodation for such other Persons.

Places for the Reception of dead Bodies may be provided at the Public Expense.

43. Any Local Authority may provide a proper Place for the Reception of dead Bodies, and where any such Place has been provided, and any dead Body of One who has died of any infectious Disease is retained in a Room in which Persons live or sleep, or any dead Body which is in such a State as to endanger the Health of the Inmates of the same House or Room is retained in such House or Room, the Sheriff or any Magistrate or Justice may, on a Certificate signed by a legally qualified Medical Practitioner, order by a Writing under his Hand the Body to be removed to such proper Place of Reception at the Cost of the Local Authority, and direct the same to be buried within a Time to be limited in such Order; and unless the Friends or Relations of the Deceased undertake to bury the Body within the Time so limited, and do bury the same, it shall be the Duty of the Local Authority to bury such Body; and it shall also be the Duty of the Local Authority to bury any dead Body found within the District, and which is unclaimed, or which no sufficient Person undertakes to bury; but any Expense so incurred in regard to any such Burial may be recovered by the Local Authority in a summary Manner from any Person legally liable to pay the Expense of such Burial.

Burial of dead Bodies.

In Burghs, &c., the Local Authority may make Regulations as to Lodging Houses, with Consent of the Board.

44. The Local Authority having Jurisdiction under this Act in any Burgh or populous Place containing, according to the Census last taken, a Population of not less than One thousand Inhabitants, may, after Publication of the proposed Regulations in One or more Newspapers circulating in the District for One Month,

Month, make, with Consent of the Board, Regulations for all or any of the following Matters; that is to say,

1. For fixing the Number of Persons who may occupy a House or Part of a House which is let in Lodgings or occupied by Members of more than One Family:
2. For the Registration of Houses thus let or occupied in Lodgings:
3. For the Inspection of such Houses, and the keeping the same in a cleanly and wholesome State:
4. For enforcing therein the Provision of Privy Accommodation, or Watercloset Accommodation, and other Appliances and Means of Cleanliness in proportion to the Number of Lodgings and Occupiers, and the cleansing and Ventilation of the Common Passages and Staircases:
5. For the cleansing and limewhiting at stated Times of such Premises:
6. For the Enforcement of the above Regulations by Penalties not exceeding Forty Shillings for any One Offence, with an additional Penalty not exceeding Twenty Shillings for every Day during which a Default in obeying such Regulations may continue.

Rules as to underground Dwellings.

45. It shall not be lawful to let separately, except as a Warehouse or Storehouse, or to suffer to be occupied as a Dwelling Place, any Cellar whatsoever, or any Vault or underground Room (not being entirely open on one or other of its Sides), which Vault or Room shall be less in Height from the Floor to the Ceiling than Seven Feet, in the Case of Houses built prior to the passing of this Act, or less in Height than Eight Feet in the Case of Houses built subsequently to the passing hereof, or which shall be less than One Third of its Height above the Level of the Street or Ground adjoining the same, or otherwise shall not have Three Feet at least of its Height from the Floor to the Ceiling above the said Level, with an open Area of Two Feet Six Inches wide from the Level of the Floor of such Vault or Room up to the Level of the said Street or Ground, or which shall not have appurtenant thereto the Use of a Watercloset or Privy and Ashpit, or which shall not also have a glazed Window made to open to the full Extent of the Half thereof, the Area of which is not less than Nine Superficial Feet clear of the Frame, and a Fireplace with a Chimney or Flue, or which Vault or underground Room being an inner or back Vault or Cellar let or occupied along with a front Vault or Room, as Part of the same Letting or Occupation, has not a ventilating Flue (unless such inner or back Vault or Room shall be Part of a House built before the passing of this Act),

Act), or which shall not be well and effectually drained by means of a Drain, the uppermost Part of which is One Foot at least below the Level of the Floor of such Vault, Cellar, or Room, after the Local Authority have given Notice to the Owners thereof that the letting of such Cellars, Vaults, or underground Rooms as Dwelling Places is prohibited from that Time forth; and it shall be the Duty of the Local Authority to issue such Notices from Time to Time, as soon as is convenient, until such Notice has been given with respect to every Cellar, Vault, or underground Room occupied as a Dwelling House within the District; and it shall not be lawful, after such Notice, to let or continue to let, or to occupy or suffer to be occupied, separately, as a Dwelling House, any such Cellar, Vault, or underground Room.

Penalty on letting underground Dwellings.

46. Every Person who lets separately, or who knowingly suffers to be occupied for Hire as a Dwelling, any Vault, Cellar, or Room, contrary to the Provisions of this Act, shall be liable to a Penalty not exceeding Twenty Shillings for every Day during which such Vault, Cellar, or Room is so occupied after Conviction of the First Offence.

Cases in which Two Convictions have occurred within Three Months.

47. Where Two Convictions against the Provisions of this Act relating to the overcrowding of any House, or the Occupation of any Cellar, Vault, or underground Room as a separate Dwelling Place, shall have taken place within the Period of Three Months, whether the Person so convicted were or were not the same, it shall be lawful for the Sheriff or any Magistrate or Justice to direct the closing of such Premises for such Time as he may deem necessary, and in the Case of Cellars occupied as aforesaid, to empower the Local Authority to permanently close the same, in such Manner as they may deem fit.

Penalty on Person suffering from infectious Disorder entering public Conveyance without notifying to Driver that he is so suffering.

48. If any Person suffering from any infectious Disorder shall enter, or any Person in charge of a Person so suffering shall place such Person in any Steamboat, Sailing Vessel, Railway Carriage, Stage Coach, Hackney Carriage, or other public Conveyance without previously notifying to the Owner or Person in charge thereof that such Person is so suffering, the Person so contravening this Provision shall, on Conviction thereof before any Sheriff, Magistrate, or Justice, be liable to a Penalty not exceeding Five Pounds; and no Owner or Person in charge of any public Conveyance shall be bound to convey any Person so suffering.

Penalty on any Person, with infectious Dis-

49. Any Person suffering from any infectious Disorder who wilfully exposes himself, without proper Precaution against spreading the

order, exposing himself, or on any Person in charge of such Sufferer causing such Exposure.

the said Disorder, in any Street, public Place, or public Conveyance, and any Person in charge of One so suffering who so exposes the Sufferer, and any Owner or Person in charge of a public Conveyance who does not immediately provide for the Disinfection of his Conveyance after it has, with the Knowledge of such Owner or Person in charge, conveyed any such Sufferer, and any Person who, without previous Disinfection, knowingly gives, lends, sells, transmits, or exposes any Bedding, Clothing, Rags, or other Things which have been exposed to Infection from such Disorders, shall, on Conviction of such Offence before the Sheriff or any Magistrate or Justice, be liable to a Penalty not exceeding Five Pounds: Provided that no Proceedings under this Section shall be taken against Persons transmitting with proper Precautions any such Bedding, Clothing, Rags, or other Things for the Purpose of having the same disinfected.

Penalty on Persons letting Houses in which infected Persons have been lodging.

50. If any Person knowingly lets any House, Room, or Part of a House in which any Person suffering from any infectious Disorder has been to any other Person without having such House, Room, or Part of a House, and all Articles therein liable to retain Infection, disinfected to the Satisfaction of a qualified Medical Practitioner, as testified by a Certificate given by him, and lodged with the Sanitary Inspector or other Person appointed to perform the Duties of Sanitary Inspector, such Person shall be liable to a Penalty not exceeding Twenty Pounds. For the Purposes of this Section the Keeper of an Inn or Hotel shall be deemed to let Part of a House to any Person admitted as a Guest into such Inn or Hotel.

Removal of Manure in Mews, &c.

51. Where Notice has been given by the Local Authority or their Officer or Officers for the periodical Removal of Manure or other refuse Matter from Mews, Stables, or other Premises (whether such Notice shall be by public Announcement in the Locality or otherwise), and subsequent to such Notice the Person or Persons to whom the Manure or other refuse Matter belongs shall not so remove the same, or shall permit a further Accumulation, and shall not continue such periodical Removal at such Intervals as the Local Authority or their Officer or Officers shall direct, he or they shall be liable, without further Notice, to a Penalty of not exceeding Twenty Shillings per Day for every Day during which such Manure or other refuse Matter shall be permitted to accumulate, such Penalty to be recovered in a summary Manner.

Provision as to Ships within the

52. Any Ship lying in any River, Harbour, or other Water shall be subject to the Local Authority of the District within or ex

adverso

adverse of which such River, Harbour, or other Water is situate, and to the Sheriff, Magistrates, and Justices of the Peace having Jurisdiction in such District, and shall be within the Provisions of this Act in the same Manner as if such Ship were a House within such District, and the Master or other Officer in charge of such Ship shall be deemed for the Purposes of this Act to be the Occupier of such Ship; but this Section shall not apply to any Ship belonging to Her Majesty or to any Foreign Government.

Jurisdiction of Local Authority.

53. For the Purposes of this Act, any Ship that is in a Place within Three Miles of the Coasts of Scotland, and not within the District of a Local Authority, shall be deemed to be within the District of such Local Authority as may be prescribed by the Board, and until a Local Authority has been prescribed then of the Local Authority whose District nearest adjoins the Place where such Ship is lying, the Distance being measured in a straight Line.

Provision as to District of Local Authority extending to Places where Ships are lying.

54. Whenever, in compliance with any Regulation of the Board which they may be empowered to make under this Act, any Medical Officer shall perform any Medical Service on board of any Ship, such Medical Officer shall be entitled to charge extra for any such Service, at the general Rate of his Allowance for his Services for the Parish or Place for which he is appointed, and such Charges shall be payable by the Person in charge of the Ship, on behalf of the Owners, together with any reasonable Expenses for the Treatment of the Sick; and if such Services shall be rendered by any Medical Practitioner who is not a Medical Officer, he shall be entitled to charge for any Service rendered on board, with extra Remuneration on account of Distance, at the same Rates as those which he is in the habit of receiving from private Patients of the Class of those attended and treated on Shipboard, to be paid as aforesaid; and in case such Charges be not paid, the Medical Officer or Practitioner may bring an Action against the Person in charge of such Ship for the same, and the Ship, Cargo, and Tackle thereof shall be subject to a Lien for the Amount of such Charges.

Medical Officer of Parish to be allowed to charge for attending Sick on board any Ship, and to be paid by Captain.

55. Any Local Authority may, with the Sanction of the Board, lay down Rules for the Removal to any Hospital to which such Authority are entitled to remove Patients, and for keeping in such Hospital so long as may be necessary, any Persons brought within their District by any Ship who are infected with an infectious Disorder, and they may by such Rules impose any Penalty not exceeding Five Pounds on any Person committing any Offence against the same.

Power to remove to Hospital sick Persons brought by Ships.

Description of Ships within Provisions of 6 G. 4. c. 78., and Power to reduce Penalties imposed thereby.

56. Every Ship having on board any Person affected with a dangerous or infectious Disorder shall be deemed to be within the Provisions of the Act of the Sixth Year of King George the Fourth, Chapter Seventy-eight, intituled "An Act to repeal the several "Laws relating to Quarantine, and to make other Provisions in "lieu thereof," although such Ship has not commenced the Voyage, or has come from or is bound for some Place in the United Kingdom; and nothing in this Act contained shall interfere with or prevent the Execution of any Orders, Regulations, or Restrictions to be made by the Lords and others of Her Majesty's Privy Council pursuant to the said Act; and any Expenses incurred by any Local Authority in carrying into effect such Orders, Regulations, or Restrictions shall be deemed to be Expenses incurred by them in carrying into effect this Act; and all Penalties imposed by the said Act of the Sixth Year of King George the Fourth, Chapter Seventy-eight, may be reduced by the Justices or Court having Jurisdiction in respect of such Penalties to such Sum as the Justices or Court think just.

Power to defray Cost of Vaccination in certain Cases.

57. The Local Authority may defray the Cost of vaccinating such Persons as to them may seem expedient, not being Paupers or the Children of Paupers, or Persons ordered to be vaccinated in Terms of the Eighteenth Section of the Act Twenty-six and Twenty-seven Victoria, Chapter One hundred and eight.

Power to provide Grounds for public Recreation.

58. The Local Authority may provide, maintain, lay out, and improve Grounds for public Recreation, and support or contribute towards any Premises provided for such Purposes by any Person whomsoever.

PART V.

Regulation of Common Lodging Houses.

Common Lodging Houses to be registered.

59. The Local Authority shall cause a Register to be kept, in which shall be entered the Names and Residences of the Keepers of all Common Lodging Houses within the District of the Local Authority, and the Situation of every such House, and the Number of Lodgers authorized according to this Act to be kept therein, and in each Apartment thereof; and the Local Authority may refuse to register as the Keeper of a Common Lodging House any Person who does not produce to the Local Authority a Certificate of Character,

Character, in such Form as the Local Authority shall direct, signed by Three Inhabitant Householders of the Parish respectively assessed for the Relief of the Poor of the Parish within which such Lodging House is situate; and the Local Authority may, from Time to Time, on the Approval of the Board, raise or diminish the Sum payable per Night, according to which, as herein-before mentioned, it is ascertained whether a House or Part thereof is a Common Lodging House, but so as not to exceed Sixpence per Night.

No Lodger to be received in Common Lodging House till it has been inspected and registered.

60. From and after the Date when this Act shall come into operation, it shall not be lawful to keep or use as a Common Lodging House any House, not being a Licensed Victualling House, or to receive or retain any Lodgers therein, unless such House shall have been inspected and approved for that Purpose by the Inspector of Common Lodging Houses for the District, and shall have been registered as by this Act provided; and if any Person shall contravene this Enactment he shall be guilty of an Offence under this Act.

Evidence of Register.

61. A Copy of an Entry made in a Register kept under this Act, purporting to be certified by the Person having the Charge of such Register to be a true Copy, shall be received in all Courts and on all Occasions whatsoever as Evidence, and shall be primâ facie Proof of all Things therein registered, without the Production of the Register, or of any Document, Act, or Thing on which the Entry is founded, or Proof of the Signature; and every Person applying at a reasonable Time shall be furnished by the Person having such Charge with a certified Copy of any such Entry for Payment of Twopence.

Power to Local Authority to make Rules and Regulations respecting Common Lodging Houses, to take effect when confirmed by the Board.

62. The Local Authority may from Time to Time make Rules and Regulations respecting Common Lodging Houses within its Jurisdiction, for the well ordering of such Houses, and for the Separation of the Sexes therein, and for fixing the Number of Lodgers which may be received in each such House, and in each Room therein, and for promoting the Cleanliness and Ventilation of such Houses, and with respect to the Inspection thereof, and the Conditions and Restrictions under which such Inspection may be made; and the said Local Authority may, by any such Rules and Regulations, impose upon Offenders against the same such reasonable Penalties as they shall think fit, not exceeding the Sum of Five Pounds for each Offence, and in the Case of a continuing Offence a further Penalty not exceeding the Sum of Forty Shillings for each Day after written Notice of the Offence from the said Local Authority;

and the said Local Authority may alter or repeal any such Rules and Regulations: Provided always, that all such Rules and Regulations imposing any Penalty shall be so framed as to allow of the Recovery of any Sum less than the full Amount of the Penalty: Provided also, that such Rules and Regulations shall not be of any Force or Effect until the same be submitted to and confirmed by the Board, who are hereby empowered to confirm or disallow the same as they may think proper: Provided further, that no such Rules and Regulations shall be confirmed unless Notice of the Intention to apply for Confirmation of the same shall have been given in One or more of the public Newspapers usually circulated within the Parish or Place to which such Byelaws relate One Month at least before the making of such Application; and for One Month at least before any such Application a Copy of the proposed Rules and Regulations, in Writing, signed by the Chairman of the Meeting at which they were made, shall be kept at the Office or usual Place of Meeting of the Local Authority, and be open during Business Hours thereat for the Inspection of Parties assessed to the Relief of the Poor in such Parish or Place, without Fee, and the Local Authority shall cause every such Party assessed as aforesaid who shall apply for the same to be furnished with a Copy thereof, on Payment of Sixpence for every One hundred Words contained in such Copy.

Such Rules and Regulations, when confirmed, to be printed, and furnished gratis to Keepers of Common Lodging Houses.

63. All such Rules and Regulations made by the Local Authority in pursuance of this Act shall, when confirmed as aforesaid, be printed, and hung up in the Office or usual Place of Meeting of the said Local Authority, and Copies thereof shall be furnished gratis to every Keeper of a Common Lodging House, and such Keeper shall be bound to keep a Copy thereof hung up in some conspicuous Place in each Room in which Lodgers are received, and Copies shall also be furnished to any Party assessed as aforesaid, upon Application, and Payment of One Penny each for the same; and a Copy of such Rules and Regulations, purporting to be signed by the Secretary of the Board, shall be received in Evidence of such Regulations, and of the duly making and confirming thereof, without Proof of the Signature.

Power to Local Authority to require an additional Supply of Water to Common Lodging Houses.

64. Where it appears to the Local Authority that a Common Lodging House is without a proper Supply of Water for the Use of the Lodgers, and that such a Supply can be furnished thereto at a reasonable Rate, the Local Authority may, by Notice in Writing, require the Owner or Keeper of the Common Lodging House, within a Time specified therein, to obtain such Supply, and to execute all Works necessary for that Purpose; and if such Notice be not complied

plied with accordingly, the Local Authority may remove the Common Lodging House from the Register until it be complied with.

Power to Local Authority to order Reports from Keepers of Common Lodging Houses.

65. The Keeper of a Common Lodging House shall from Time to Time, if required by any Order of the Local Authority served on such Keeper, report to the Local Authority, or to such Person or Persons as the said Local Authority shall direct, every Person who resorted to such House during the preceding Day or Night, and for that Purpose Schedules shall be furnished by the Local Authority to the Persons so ordered to report, which Schedules they shall fill up with the Information required, and transmit to the Local Authority.

Local Authority may remove sick Persons from Common Lodging Houses to Hospitals &c.

66. When a Person in a Common Lodging House is ill of Fever or any infectious or contagious Disease, the Local Authority may cause such Person to be removed to a Hospital or Infirmary, with the Consent of the Authorities thereof, where different from the Local Authority, and on the Certificate of the Medical Officer of the Parish, or of any qualified Medical Practitioner, that the Disease is infectious or contagious, and that the Patient may be safely removed; and the Local Authority may, so far as they think requisite for preventing the Spread of Disease, cause any Clothes or Bedding used by such Person to be disinfected or destroyed, and may pay to the Owners of the Clothes and Bedding so disinfected or destroyed reasonable Compensation for the Injury or Destruction thereof; the Amount of such Compensation being first certified in Writing upon a List of such Articles.

As to giving Notice of Fever, &c. occurring in Common Lodging Houses.

67. The Keeper of a Common Lodging House shall, when a Person in such House is ill of Fever or any infectious or contagious Disease, give immediate Notice thereof either to the Medical Officer or to the Inspector of Common Lodging Houses, or the Inspector of the Poor of the Parish in which such Common Lodging House is situated, who shall forthwith inform the Local Authority and the Medical Officer that such Notice has been received, and thereupon the Medical Officer shall forthwith visit and report on the Case.

As to Inspection of Common Lodging Houses.

68. The Keeper of a Common Lodging House shall, at all Times when required by any Officer of the Local Authority, give him free Access to such House and every Part thereof.

As to cleansing of Common Lodging Houses.

69. The Keeper of a Common Lodging House shall thoroughly cleanse all the Rooms, Passages, Stairs, Floors, Windows, Doors, Wall, Ceilings, Privies, Ashpits, Cesspools, and Drains thereof, to the Satisfaction of the Inspector, and so often as shall be required

by or in accordance with any Regulation of the Local Authority, and shall well and sufficiently, and to the like Satisfaction, lime-wash the Walls and Ceilings thereof in the First Week of each of the Months of April and October in every Year, and at such other Times as the Local Authority may by Special Order appoint or direct.

Conviction for Third Offence, &c. to disqualify Persons from keeping Common Lodging Houses.

70. Where a Keeper of a Common Lodging House is convicted of a Third or any subsequent Offence under this Act, it may be adjudged as the Punishment or Part of the Punishment for such Offence that he shall not, at any Time within Five Years, or any shorter Period after such Conviction, keep or have or act in the Care or Management of a Common Lodging House, without the previous Licence in Writing of the Local Authority, which Licence the Local Authority may withhold, or may grant on such Terms and Conditions as they think fit.

PART VI.

Sewers, Drains, and Water Supply.

Sewers to be vested in Local Authority.

71. All Sewers presently existing within a District, and not being private Property, or not being and continuing under the Management of Persons appointed by the Crown or by Act of Parliament, shall be vested in the Local Authority: Provided always, that nothing in this Act contained shall affect the Rights of any Person or Persons to the Property or Management of any Sewers in virtue of any existing Local or General Police Statute.

Power to purchase Sewers.

72. The Local Authority may, in Terms of the Lands Clauses Acts, acquire the Rights and Powers vested in any Person to make Sewers, or to use any Sewer, with or without the Buildings and other Things thereto pertaining; provided that they shall make Compensation for the Rights so acquired, and shall also make Compensation to the Proprietors and Occupiers of any Lands and Heritages which may be damaged by reason of the Exercise of the Powers hereby conferred, in Terms of the said last-mentioned Acts.

Power to make Sewers.

73. The Local Authority shall have Power to construct within their District, and also when necessary for the Purpose of Outfall or Distribution of Sewage, without their District, such Sewers as they may think necessary for keeping their District properly cleansed

cleansed and drained, and may carry such Sewers through, across, or under any Turnpike or other Road, or any Street or Place, or under any Cellar or Vault which may be under the Foot Pavement or Carriageway of any Street or Road, and after reasonable Notice in Writing (if upon the Report of Surveyor it should appear to be necessary), into, through, or under any Lands whatsoever; and from Time to Time to enlarge, lessen, alter, arch over or otherwise improve, or to close up or destroy all Sewers vested in them, provided no Nuisance is created by such Operations; and if any Person is thereby deprived of the lawful Use of any Sewer, the Local Authority shall provide another sufficiently effectual for his Use. The Local Authority shall cause their Sewers to be so constructed, kept, and cleansed as not to be a Nuisance, and for the Purpose of cleansing and emptying them, may construct and place, either above or under Ground, such Reservoirs, Sluices, Engines, or other Works as may be necessary, and may cause such Sewers to communicate with and be emptied into such Places as may be fit and necessary, either within their District, or if necessary for the Purpose of Outfall or Distribution of Sewage, without their District, and to cause the Sewage and Refuse therefrom to be collected for Sale or for any Purpose whatsoever, but so as not to create a Nuisance.

Sewers to be cleansed.

74. The Local Authority may from Time to Time, for the Purpose of utilizing Sewage, agree with any Person as to the Supply of such Sewage or the Distribution thereof over Land, and as to the Works to be made for the Purpose of such Supply or Distribution, and as to the Parties to execute the same and to bear the Costs thereof, and as to the Sums of Money, if any, to be paid for that Supply; provided that no Contract shall be made for the Supply of Sewage for a Period exceeding Five Years, unless with the Authority of the Board, and not for any Period exceeding Twenty-five Years; and the Local Authority may contract for, purchase, or take on Lease any Lands, Buildings, Engines, Materials, or Apparatus for the Purpose of receiving, storing, disinfecting, or distributing Sewage.

Powers of utilizing Sewage.

75. In case it shall become necessary to enter, examine, or lay open any Lands or Premises for the Purpose of making Plans, surveying, measuring, taking Levels, examining Works, ascertaining the Course of Sewers or Drains, making or repairing, altering or enlarging Sewers or Drains, or other Purposes ancillary to the Powers herein given as to Sewers and Drains, and the Owner or Occupier of Premises refuses or withholds Access and Leave to perform the said Operations, the Local Authority may apply to the Sheriff, who, if no sufficient Cause be shown to the contrary, shall grant

Power of Entry.

Warrant to the Local Authority, their Officers and others thereby authorized, to enter and do all or any of the Works or Operations foresaid.

Formation of Special Drainage District.

76. Upon Requisition to that Effect made in Writing by not fewer than Ten Inhabitants of the District, the Local Authority shall be bound to meet, after Twenty-one clear Days Notice, and shall consider the Propriety of forming Part of their District into a Special Drainage District, and the Resolution of the Local Authority at such Meeting shall be published in One or more Newspapers circulating in the District; and the Production of such Newspaper, or a Certificate under the Hand of the Chairman or acting Clerk of the Local Authority (whose Signature need not be proved), shall be sufficient Evidence of such Resolution; and within Ten Days after the Date of such Resolution it shall be competent for any Person interested to appeal against the Resolution to the Sheriff, and the Sheriff, not being a Sheriff Substitute resident within the District, may either approve or disapprove of such Resolution, and if he disapproves thereof he may either find that no Special Drainage District should be formed, or may enlarge or limit the Special District as defined by the Resolution of the Local Authority, or may find that a Special Drainage District should be formed and may define the Limits thereof; and the Decision of the Sheriff shall be binding upon the Local Authority, and shall be final, except where it is pronounced by a Sheriff Substitute, in which Case it may be appealed to the Sheriff.

Power to drain into Sewers of Local Authority.

77. Any Owner or Occupier of Premises within the District of a Local Authority shall be entitled to cause his Drains to empty into the Sewers of such Local Authority, on condition of his giving Twenty Days previous Notice of his Intention so to do to the Local Authority, and of complying with their Regulations in respect of the Mode in which the Communications between such Drains and Sewers are to be made, and subject to the Control of any Person who may be appointed by the Local Authority to superintend the making of such Communications.

Use of Sewers by Persons beyond District.

78. Any Owner or Occupier of Premises beyond the Limits of the District of a Local Authority may cause any Sewer or Drain from such Premises to communicate with any Sewer of the Local Authority, upon such Terms and Conditions as may be agreed upon between such Owner or Occupier and such Local Authority, or in case of Dispute, shall be settled by the Sheriff.

79. Every

Penalty for making unauthorized Drains.

79. Every Person not being authorized by the Local Authority, who shall make any Drain into any Sewer vested in the Local Authority, shall be liable in a Penalty not exceeding Five Pounds besides shutting up said Drain or paying the Expense of shutting it up.

Estimates for Work.

80. Before entering into any Contract for executing any such Work as herein-before or after mentioned, falling under Part VI. of this Act, or connected with Sewage or Drainage, if the Expense thereof may exceed Thirty Pounds, the Local Authority shall procure from a Surveyor an Estimate of the probable Expense of constructing the same in a substantial Manner, and of the yearly Expense of maintaining the same in repair; and such Surveyor shall accompany such Estimate with a Report as to the most advantageous Mode of constructing such Work, whether under a Contract for constructing the same merely, or a Contract for constructing the same and maintaining it in repair during a given Term of Years.

Not to build over Sewers.

81. Unless with Consent of the Local Authority no Building shall be erected over any Sewer belonging to the Local Authority, and no Vault, Arch, or Cellar shall be made so as to interfere with any such Sewer.

Sewers to be trapped.

82. All Sewers and Drains, whether public or private, shall be provided by the Persons to whom they severally belong, with proper Traps or other Coverings or Means of Ventilation, so as to prevent Stench or deleterious Exhalation.

Distilleries, &c. to deposit Refuse.

83. The Owners or Occupiers of Distilleries, Manufactories, and other Works shall be compelled, where possible, to dig, make, and construct Pools or Reservoirs within their own Ground, or as near their Works as possible, for receiving and depositing the Refuse of such Works, so far as offensive or injurious to the Health of those living in the Vicinity thereof, or to use the best practical Means for rendering the same inoffensive or innoxious before discharging it into any River, Stream, Ditch, Sewer, or other Channel.

Drain discharging below High-water Mark.

84. If the Local Authority shall consider it necessary for Public Health that any Drain should discharge itself below High-water Mark, they shall be entitled, with the Consent of the Board of Trade, to construct the requisite Works for that Purpose.

As to the Drainage of Houses.

85. If a Dwelling House, Distillery, Manufactory, or other Work, or any Erection, or Enclosure for the keeping of Live Stock within the District of a Local Authority is without a Drain, or

without such Drain as is sufficient for effectual Drainage, the Local Authority may, by Notice, require the Owner of such House, Distillery, Manufactory, Work, Erection, or Enclosure, within a reasonable Time therein specified, to make a sufficient Drain emptying into any Sewer which the Local Authority are entitled to use, and with which the Owner is entitled to make a Communication, so that such Sewer be not more than One hundred Feet from the Site of the said Premises of such Owner; but if no such Means of Drainage are within that Distance, then emptying into such covered Cesspool or other Place, not being under any House, as the Local Authority may direct; and if the Person on whom such Notice is served fails to comply with the same, the Local Authority may, at the Expiration of the Time specified in the Notice, do the Work required, and the Expenses incurred by them in so doing may be recovered from such Owner in a summary Manner.

Power of borrowing for Sewers.

86. It shall be lawful for the Local Authority to borrow for the Purpose of making, enlarging, or constructing Sewers, and on the Security of the after-mentioned Special Sewer Assessments, where such exist, and General Assessments, or either of them, such Sums of Money, and at such Times, as the Local Authority shall deem necessary for that Purpose, and to assign the said Special Sewer Assessments and General Assessments or any of them in Security of the Money to be so borrowed; and the Bonds to be granted on such borrowing and Transferences or Assignations and Discharges thereof may be in or near to the Forms contained in the Schedule (K.) hereto annexed, and such Bonds shall constitute a Lien over the Special Sewer Assessments and General Assessments thereby assigned, and shall entitle the Creditors therein to recover the Sums thereby due from the Local Authority out of the first and readiest of the said Special and General Assessments; but no Member or Officer of the Local Authority shall be personally liable for the Repayment of such Money so borrowed, and all such Obligations shall be deemed and taken to be granted on the sole Security of the Assessments assigned; and the Money so borrowed shall be repayable either in One Sum or by Instalments as may be arranged between the Local Authority and the Lender, but so that the same shall be wholly repaid, together with the accruing Interest, within Twenty-five Years from the Date of the Loan, but the Amount of such Loans, including Interest, shall form a Charge against the Assessments of the Years intervening between the Date of such Loans and the Date of full Repayment in same Proportions; the Money so borrowed as aforesaid shall be applied wholly in defraying the Expense of making, enlarging, and re-constructing Sewers, and to no other Purpose whatsoever.

87. Two

Local Authorities may combine.

87. Two or more Local Authorities may, with the Sanction of the Board, combine together for the Purpose of executing and maintaining any Works by this Act authorized in regard to Sewerage or Drainage that may be for the Benefit of their respective Districts; and all Monies which they may agree to contribute for the Execution and Maintenance of such common Works shall, in the Case of each Local Authority, be deemed to be Expenses incurred by them in the Execution of Works within their District.

Supply of Water.

88. The Local Authority, if they think it expedient so to do, may acquire and provide or arrange for a Supply of Water for the Use of the Inhabitants, and for that Purpose may conduct Water from any Lake, River, or Stream, may dig Wells, make and maintain Reservoirs, may purchase, take upon Lease, hire, construct, lay down, and maintain such Waterworks, Pipes, and Premises, and do and execute all such Works, Matters, and Things as shall be necessary and proper for the aforesaid Purpose, and may themselves furnish a Supply of Water, or contract or arrange with any other Person to furnish the same; and for the Purposes aforesaid the Local Authority shall be held to have all the Powers and Rights given to Promoters of Undertakings by the Lands Clauses Acts: Provided always, that they shall make reasonable Compensation for the Water so taken by them, and for the Damage which may be done to any Lands and Heritages by reason of the Exercise of the Powers hereby conferred in Terms of the said Acts; and further, that for the Purposes of this Act the Words "Lands and Heritages" in the said Acts shall include "Water" and the Right thereto: Provided also, that it shall not be lawful for the Local Authority to provide or supply Water in any Burgh or Parish which any Company, established by Act of Parliament, is authorized to supply with Water, unless the Local Authority shall previously have purchased or acquired the Undertaking of such Company.

House without Supply of Water.

89. If any House within the District is without a proper Supply of Water at or near the same, the Local Authority shall compel the Owner to obtain such Supply, and to do all such Works as may be necessary for that Purpose.

Water for Baths, &c.

90. The Local Authority, if they have any surplus Water after fully supplying what is required for domestic Purposes, may supply Water from such Surplus to any public Baths and Wash-houses, or for trading or manufacturing Purposes, on such Terms and Conditions as may be agreed on between the Local Authority and the Persons desirous of being so supplied.

 91. The

Cisterns, &c. to be supplied with Water.

91. The Local Authority may cause all existing public Cisterns, Pumps, Wells, Reservoirs, Conduits, Aqueducts, and Works used for the gratuitous Supply of Water to the Inhabitants, to be continued, maintained, and plentifully supplied with Water, and may, if they shall think fit, provide and gratuitously supply Water for any public Baths or Wash-houses established otherwise than for private Profit or supported out of any Burgh Rates.

Special Water Supply District.

92. Upon Requisition to that Effect made in Writing by not fewer than Ten Inhabitants of the District, the Local Authority shall be bound to meet, after Twenty-one clear Days Notice, and shall consider the Propriety of forming Part of their District into a Special Water Supply District, and the Resolution of the Local Authority at such Meeting shall be published in One or more Newspapers circulating in the District; and the Production of such Newspaper, or a Certificate under the Hand of the Chairman or acting Clerk of the Local Authority (whose Signature need not be proved), shall be sufficient Evidence of such Resolution; and within Ten Days after the Date of such Resolution it shall be competent for any Person interested to appeal against the same to the Sheriff; and the Sheriff, not being a Sheriff Substitute resident within the District, may either approve or disapprove of such Resolution; and if he disapproves thereof he may either find that no Special Water Supply District should be formed, or may enlarge or limit the Special District as defined by the Resolution of the Local Authority, or may find that a Special Water Supply District should be formed, and may define the Limits thereof; and the Decision of the Sheriff shall be binding upon the Local Authority, and shall be final, except where it is pronounced by a Sheriff Substitute, in which Case it may be appealed to the Sheriff.

Power to borrow for Water Supply.

93. It shall be lawful for the Local Authority to borrow for the Purpose of constructing, purchasing, enlarging, or re-constructing such Works as are herein authorized for providing a Supply of Water for the Use of the Inhabitants of the District, or for the Purpose of entering into and implementing any Contract or Arrangement with any Person for such Supply, and on the Security of the after-mentioned Special Water Assessments, where such exist, and of General Assessments, or either of them, such Sums of Money, and at such Times as the Local Authority shall deem necessary for that Purpose, and to assign the said Special Water Assessments and General Assessments or either of them in Security of the Money to be so borrowed; and the Bonds to be granted on such borrowing and Transferences or Assignations and Discharges thereof may be in or near to the Form contained in the

the Schedule hereto annexed; and such Bonds shall constitute a Lien over the Assessments thereby assigned, and shall entitle the Creditors therein to recover the Sums thereby due from the Local Authority out of the first and readiest of the said Assessments; but no Member or Officer of the Local Authority shall be personally liable for the Repayment of such Money so borrowed, and all such Obligations shall be deemed and taken to be granted on the sole Security of the Rate assigned, and shall either be so conceived as to provide for the Extinction of the Debt, including Interest, within Twenty-five Years from the Date of the Loan, by equal yearly or half-yearly Payments, or be so conceived as that the Principal Sum borrowed shall be repaid by annual Instalments of not less than One Twenty-fifth Part thereof, besides Payment of the Interest, and in either Case Payment shall be made accordingly; and the Money so borrowed as aforesaid shall be applied wholly in defraying the Expense of purchasing, making, enlarging, and re-constructing such Works, and to no other Purpose whatsoever.

Loans from Public Works Loan Commissioners.

94. The Public Works Loan Commissioners as defined by "The Public Works Loan Act, 1853," may advance to the Commissioners mentioned in the One hundred and ninety-sixth Section of "The Police and Improvement (Scotland) Act, 1862," for the Purposes mentioned in that Section, and upon the Security therein mentioned, and to any Local Authority for the Purposes mentioned in Part VI. of this Act, such Sums of Money as may be recommended by One of Her Majesty's Principal Secretaries of State.

Execution and Maintenance of Works as to Water Supply.

95. Two or more Local Authorities may, combine together for the Purpose of executing and maintaining any Works by this Act authorized in regard to Water Supply that may be for the Benefit of their respective Districts; and all Monies which they may agree to contribute for the Execution and Maintenance of such Common Works shall, in the Case of each Local Authority, be deemed to be Expenses incurred by them in the Execution of Works within their District.

PART VII.

Assessments.

Special Drainage Assessment.

96. Where any Special Drainage District has been formed as herein-before provided, the Expense of the Sewerage and Drainage incurred by the Local Authority within the same, or for the Pur-

poses thereof, and the Sums necessary for Payment as before mentioned of any Money borrowed for Sewerage Purposes as herein-before provided, shall be paid out of a Special Assessment, which the Local Authority shall raise and levy on and within such Special District, in the same Manner and with the same Remedies and Modes of Recovery as are herein provided for the District of the Local Authority.

Special Water Supply Assessment.

97. Where any Special Water Supply District has been formed as herein-before provided, the Expense incurred for Water Supply within the same, or for the Purposes thereof, and the Sums necessary for Payment as before mentioned of any Money borrowed for Water Supply Purposes, as herein-before provided, shall be paid out of a Special Assessment which the Local Authority shall raise and levy on or within such Special District, in the same Manner and with the same Remedies and Modes of Recovery as are herein provided for the District of the Local Authority.

Assessment for general Expenses incurred in executing this Act.

98. All Charges and Expenses incurred by the Local Authority in executing this Act or any of the Acts hereby repealed, and not recovered as herein-before or after provided, may be defrayed out of an Assessment to be levied by the Local Authority along with but as a separate Assessment from any one of the Assessments herein-after mentioned in this Section, that is to say, the said Assessment shall be assessed, levied, and recovered in like Manner and under like Powers, (which Powers are hereby given and are declared to extend over the whole and every Part of the District of the Local Authority,) as—

The Prison Assessment or Police Assessment, as the Local Authority shall resolve, where the Local Authority is a Town Council or Police Commissioners, or Trustees acting as Police Commissioners; or if there be no Prison or Police Assessment, an Assessment levied in like Manner as is herein-after authorized, where the Local Authority is a Parochial Board:

The Assessment for the Relief of the Poor, where the Local Authority is a Parochial Board, or where there is no such Assessment, by an Assessment levied in such Manner as an Assessment might have been levied for the Relief of the Poor:

Provided always, that where the Local Authority is a Town Council or Police Commissioners, or Trustees acting as Police Commissioners, or where a Parochial Board is the Local Authority in a District, including, as well as the Landward Part of a Parish, a Burgh or Town having a Town Council or Police Commissioners or Trustees acting as Police Commissioners, the annual Value of the following Lands or Premises shall for the whole Assessments under

under this Act be held to be the nearest aggregate Sum of Pounds Sterling to One Fourth of the annual Value thereof entered in the Valuation Roll, made up and completed in Terms of the Acts in force for the Valuation of Lands and Heritages in Scotland; viz.,

1. All Lands and Premises used exclusively as a Canal or Basin of a Canal, or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, excepting the Stations, Depôts, Wharfs, and Buildings, which shall be assessable on their full annual Value:

2. All the underground Water Pipes, or underground Works of any Water Company:

3. All Woodland, Arable, Meadow, or Pasture Land, or other Land used for agricultural Purposes:

4. All Mines, Minerals, and Quarries:

And in the event of any Dispute arising as to the Lands and Premises falling under the above Exceptions, it shall be lawful to the Owner or Occupier of such Lands and Premises to present a Petition to the Sheriff, praying to have the same declared for the Time being liable to Assessment upon the said Proportion of their Value only, and the Sheriff shall thereupon order the Petition to be served on the Local Authority upon a short Induciæ, and after hearing Parties and taking such Evidence as he shall think necessary, shall pronounce such Judgment as to him shall seem just and right, and which Judgment shall be final, except that where pronounced by a Sheriff Substitute it shall be subject to Appeal to the Sheriff: Provided also, that where a Special Drainage District has been formed as herein-before provided, and the Drainage Works therein have been executed and are maintained under the Authority of this Act, the Lands and Premises situated within such Special District shall not be liable to Assessment for the Expense of making Sewers and Drainage Works in other Parts of the District of the Local Authority; and where a Special Water Supply District has been formed, as herein-before provided, and a sufficient Supply of Water has been obtained and is maintained therein, under the Authority of this Act, the Lands and Premises situated within such Special Water Supply District shall not be liable to Assessment for the Expense of supplying Water for other Parts of the District of the Local Authority.

PART VIII.

Enforcement of and Procedure under this Act.

Procedure if Local Authority neglect its Duty under this Act.

99. If any Nuisance shall exist upon or in Premises possessed or managed by the Local Authority, or in which the Local Authority have any Interest, or if the Local Authority shall fail or neglect to perform any Duty imposed upon them by this Act, or to take all due Proceedings in this Act authorized for the Removal of Nuisances or Preservation of Health, or due Regulation of Lodging Houses, or for any other of the Purposes of this Act, it shall be competent for any Two Householders residing within the District, or for the Inspector of the Poor of the Parish, or for the Procurator Fiscal of the Sheriff or Justice of the Peace Court of the County, or of the Burgh Court, or for the Board, to give written Notice to such Local Authority of the Matters in which such Neglect exists; and if the Local Authority do not within Fourteen Days after such Notice, or in the Case of Neglect to enforce any Regulation or Direction of the Board under Part III. of this Act, within Two Days after such Notice, remove or remedy the Nuisance referred to, or in any other Case neglect to take the Steps authorized or required by or under this Act, it shall be competent for the Parties aforesaid, or any One of them, to apply to the Sheriff by summary Petition, and the Sheriff shall thereupon inquire into the same, and may make such Decree as shall in his Judgment be required to enforce the Removal or Remedy of the Nuisance, or otherwise to compel Execution of or carry out the Provisions and Purposes of this Act, and may appoint the same to be carried into effect by and at the Sight of such Persons as he may think fit, and at the Expense of the Local Authority, or of other Parties on whom the Expense ought in his Opinion to be laid, and for Payment of the Expenses of such Application by the Petitioners or by the Local Authority or other Party, as Justice may require; and further, it shall be competent for the Board to present a Petition to the Sheriff, under the Fourth Section of the "Burial Grounds (Scotland) Act, 1855," to the same Effect, and to be followed out in like Manner as if presented by any of the Persons or Parties therein mentioned: Provided always, that in regard to any Nuisance for the Removal of which Drainage Works are necessary, the Sheriff or other Judge or Court may suspend Consideration of the Complaint for such Time as may seem proper, in order to enable a general System of Drainage under any General or Local Act or otherwise to be carried out, the better to remove such Nuisances.

100. In

Provision for Refusal or Neglect of Local Authority.

100. In case any Local Authority shall refuse or neglect to do what is herein or otherwise by Law required of them, or in case any Obstruction shall arise in the Execution of this Act, it shall be lawful for the Board, with the Approval of the Lord Advocate, to apply by summary Petition to either Division of the Court of Session, or during Vacation or Recess to the Lord Ordinary on the Bills, which Division or Lord Ordinary are hereby authorized and directed to do therein and to dispose of the Expenses of the Proceedings as to the said Division or Lord Ordinary shall appear to be just.

Procurator Fiscal may sue by Directions of the Board.

101. In any Place within the Jurisdiction of a Local Authority the Procurator Fiscal of the Sheriff Court, on the Board being satisfied that the Local Authority have made default in doing their Duty, may, with the Approval of the Lord Advocate, institute and follow out Proceedings against the Local Authority for compelling them to do their Duty; and may institute and follow out, in all respects, any Proceeding which the Local Authority of such Place might institute with respect to the Removal of Nuisances or otherwise; and the Expense as between Agent and Client of all such Proceedings shall be paid by the Local Authority, but with such Relief to them against the Author of any Nuisance or any other Party as may be competent.

Duties of Local Authorities as to Inspection of Nuisances, &c.

102. It shall be the Duty of the Local Authority to make from Time to Time, and also when required by the Board, either by themselves or by their Officers, Inspection of the District, with a view to ascertain what Nuisances exist calling for Abatement under the Powers of this Act, and to enforce the Provisions of the Act in order to cause the Abatement thereof, also to enforce the Provisions of any Act that may be in force within its District requiring Fireplaces and Furnaces to consume their own Smoke: Where a Nuisance is situated in a District the Local Authority of which does not cause the same to be abated, and which Nuisance is offensive or injurious to another District, the Local Authority of the latter District may call on the first-mentioned Local Authority to take all competent Steps for Removal of such Nuisance, and the said first-mentioned Local Authority shall be bound to do so accordingly; and any Expense thereby occasioned to the said second-mentioned Local Authority shall be reimbursed by the first-mentioned Local Authority, the Amount of such Reimbursement in the Case of Dispute to be finally determined by the Board.

Procedure where Nuisance beyond District.

Local Authority may require Payment of

103. It shall be lawful for the Local Authority, at their Discretion, to require the Payment of any Costs or Expenses which

Costs or Expenses from Owner or Occupier, and Occupier paying to deduct from Rent.

the Owner of any Premises may be liable to pay under this Act, either from the Owner or from any Person who then or at any Time thereafter occupies such Premises, and such Owner or Occupier shall be liable to pay the same, and the same shall be recovered in manner authorized by this Act, and the Owner shall allow such Occupier to deduct the Sums of Money which he so pays out of the Rent from Time to Time becoming due in respect of the said Premises, as if the same had been actually paid to such Owner as Part of such Rent: Provided always, that no such Occupier who shall not be the Author of a Nuisance, shall be required to pay any further Sum than the Amount of Rent for the Time being due from him, or which, after such Demand of such Costs or Expenses from such Occupier, and after Notice not to pay his Landlord any Rent without first deducting the Amount of such Costs or Expenses, becomes payable by such Occupier, unless he refuse, on Application being made to him for that Purpose by or on behalf of the Local Authority, truly to disclose the Amount of his Rent and the Name and Address of the Person to whom such Rent is payable, but the Burden of Proof that the Sum demanded from any such Occupier is greater than the Rent due by him at the Time of such Notice, or which has since accrued, shall lie upon such Occupier: Provided also, that nothing herein contained shall be taken to affect as between the contracting Parties any Contract made or to be made between any Owner, Tenant, or Occupier of any House, Building, or other Property, whereby it is or may be agreed that the Tenant or Occupier shall pay or discharge all Rates, Dues, and Sums of Money payable in respect of such House, Building, or other Property, or to affect as between the contracting Parties any Contract whatsoever between Landlord and Tenant.

Penalty for wilful Damage of Works.

104. If any Person wilfully damages any Works or Property belonging to any Local Authority, he shall be liable to a Penalty not exceeding Five Pounds, in addition to the Cost of repairing such Works or Property.

Appearance of Local Authorities in legal Proceedings.

105. Any Local Authority may appear and plead before any Sheriff, Magistrate, or Justice, or in any legal Proceeding, by any Officer or Member, or other Person authorized generally, or in respect of any special Proceeding, by Resolution of such Authority, and such Person being so authorized shall be at liberty to institute and carry on any Proceeding which the Authority is authorized to institute and carry on under this Act; and it shall not be necessary for the Local Authority to appear in any other Manner in any Prosecution or Proceeding at their Instance.

106. All

Recovery of Penalties.

106. All Penalties under this Act, and also all Sums of Money and Expenses herein directed to be recovered in a summary Manner, may, unless otherwise provided in this Act, be recovered at the Suit of the Local Authority, and may be applied for the Purposes of this Act: Provided always, that nothing contained in this Section shall impair or affect any other Mode of Recovery allowed by this Act: Provided also, that all Contraventions of the Provisions contained in this Act relating to Overcrowding of Houses, and all Contraventions of the Provisions in this Act or of the Rules and Regulations made under the Authority of this Act relating to Common Lodging Houses, may be prosecuted as Police Offences before any Judge or Magistrate having Police Jurisdiction, and in the same Way and Manner as Police Offences are prosecuted before him under any General or Local Police Act; and in the event of the Offender being convicted, and failing to make immediate Payment of the Penalty which may have been imposed, he shall be liable to Imprisonment for any Period not exceeding Fourteen Days, without prejudice to Diligence by Poinding or Arrestment, if no Imprisonment has followed on the Conviction.

Powers of Act cumulative.

107. All Powers given by this Act shall be deemed to be in addition to, and not in derogation of, any Powers conferred by Act of Parliament not hereby repealed, or any Law or Custom; and such Local Authority or other Public Body may exercise such Powers in the same Manner as if this Act had not passed, or may exercise the Powers conferred by this Act.

Form of Applications to the Sheriff.

108. All Applications to enforce any Provision of this Act, or for the Recovery of Penalties herein imposed, or other Sums of Money becoming due to the Local Authority in virtue of this Act, in so far as not herein otherwise provided for, may be by summary Petition, and such Petition may refer to the Clauses of this Act on which it is founded, without setting forth the same; and the Sheriff, Magistrate, or Justice shall thereupon, if he see fit, appoint the Petition to be answered within Three Days after Service, or may order the Parties to attend him in Person, and on advising such Answer, or hearing the Parties, or on the Respondent failing to appear, he may at once decern, or may appoint any competent Person to examine the Premises and report to him, and may decern on such Report; or he may, if either Party desire it, order Proof to be led before himself on any specified Points, and shall in that Case appoint a Day, not more than Five Days thereafter, for hearing such Proof, and if the Proof be not on that Day completed may adjourn the same from Time to Time until completed, and within Three Days after such Completion he shall give Decree, and

he may find either Party liable in Expenses, or in any modified Sum of Expenses; and may, without Prejudice to Diligence by Poinding or Arrestment grant Warrant for the Imprisonment of the Person convicted or found liable in a Penalty or Sum of Money, unless he shall pay the whole Sums found due within a specified Time, until the same be paid, such Imprisonment not to exceed a specified Time; but the Judgment shall not be invalidated by any Deviation from any of the said Periods of Time.

No written Pleadings, &c. allowed.

109. No written Pleadings, other than the Petition and Answers (when ordered), shall be allowed, and the Sheriff, Magistrate, or Justice shall have Power to grant Diligence in common Form to cite Witnesses and Havers, and in Cases under the Heads marked (H.), (I.), and (J.) in Section Sixteen, the Sheriff shall take Notes of the Evidence in like Manner as in Civil Proofs: Provided always, that no Decree under this Act against any Party shall bar his Right to Relief against any other Party legally liable therein.

Appeal in certain Cases.

110. Where in Cases under the Heads (H.), (I.), and (J.) in Section Sixteen it shall appear to the Sheriff that the true Value of the Subject complained of as a Nuisance, or the Cost of the Operations necessary to remove or amend it as ordered, or the Value of the Trade or Business interfered with, exceeds the Sum of Twenty-five Pounds or the Sum of Fifty Pounds respectively, he shall certify his Opinion to that Effect in his Decree, and the Parties shall thereupon be entitled to appeal from the Sheriff Substitute, where the Judgment has been pronounced by him to the Sheriff, on lodging, within Three Days after the Decree, a Note of Appeal with the Sheriff Clerk, and serving the same on the opposite Party or the Agent acting in such Proceedings for such Party, and such Note shall operate as a Sist of Execution until the Appeal be determined; and on such Note being lodged the Sheriff Clerk shall transmit the Process, together with the Sheriff Substitute's Notes of Evidence, to the Sheriff, whose Decision thereon shall be final where the Value certified is not above Fifty Pounds; and in the event of such Value or Cost being so certified to exceed the Sum of Fifty Pounds, the Parties shall be entitled to present a Note of Appeal to the Lord Ordinary on the Bills against the Judgment either of the Sheriff Substitute or of the Sheriff, whether this last be an original Judgment or an Appeal, provided that, along with such Note, the Appellant shall lodge a sufficient Bond of Caution by One or more Obligants, to the Amount of Fifty Pounds Sterling, for Payment or Performance of any Judgment that may be pronounced under his Appeal; and also provided, that such Note be lodged in the Bill Chamber, and a Copy thereof served on the opposite Party or his said

said Agent within Eight Days after the Date of the Sentence or Judgment complained of, which Note shall in like Manner operate as a Sist of Execution until a Judgment be pronounced by the Lord Ordinary, which Judgment shall be final unless the Lord Ordinary shall allow a Reclaiming Note to the Inner House, and the Judgment of the Inner House shall be final.

No Appeal otherwise.

111. No Appeal shall be competent from any Decree or Order of any Magistrate or Justices, or from the Decree or Order of any Sheriff, except in Cases certified in Terms of the preceding Section; and no Decree or Order, or any other Proceeding, Matter, or Thing done in the Execution of this Act shall, excepting as herein provided, be subject to Review in any way whatever.

Justices being Members of Local Authority may act.

112. The Sheriff, Justices of the Peace, or Magistrates may in all Cases, notwithstanding their being Members of the Local Authority or the Board, exercise the Jurisdiction vested in them under this Act.

Service of Notices, Petitions, and Orders.

113. Notices, Petitions, and Orders under this Act may be served by any Person by delivering the same to or at the Residence of the Parties to whom they are respectively addressed, or by being put into the Post Office duly addressed to the Parties; and where addressed to the Owner or Occupier of Premises they may be served by any Person delivering the same or a true Copy thereof to some Person upon the Premises, or if there be no Person upon the Premises who can be so served, by fixing the same upon some conspicuous Part of the Premises; and Service of such Notices, Petitions, or Orders may be proved by a Certificate under the Hand of the Person who posted, or delivered, or affixed the same, attested by One Witness who was also present.

Proof of Resolutions of Local Authority and Board.

114. Copies of any Orders or Resolutions of the Local Authority or their Committee, purporting to be signed by the Chairman of such Body or Committee, and all Directions and Regulations, or Orders or Resolutions of the Board, signed by their Secretary or Clerk, shall, unless the contrary be shown, be received as Evidence thereof without Proof of their Meeting, or of the Official Character or Signature of the Person signing the same.

One or more Joint Owners may be proceeded against alone.

115. In case of any Demand or Complaint under this Act, to which Two or more Parties, whether as Owners or Occupiers of Premises, may be jointly answerable, it shall be sufficient to proceed against any One or more of them without proceeding against the others or other of them; but nothing herein contained shall

prevent the Parties so proceeded against from recovering Relief in any Case in which they would now be entitled to Relief by Law.

Penalty on Occupier obstructing Owner.

116. If the Occupier of any Premises prevent the Owner thereof from obeying or carrying into effect the Provisions of this Act, the Sheriff or any Magistrate or Justice to whom Application is made shall, by Order in Writing, require such Occupier to permit the Execution of the Works required to be executed, provided that such Works appear to such Sheriff, Magistrate, or Justice to be necessary for the Purpose of obeying or carrying into effect the Provisions of this Act; and if within a reasonable Time after the making of such Order the Occupier against whom it is made refuse to comply therewith, he shall be liable to a Penalty not exceeding Five Pounds for every Day afterwards during the Continuance of such Refusal.

Penalty for violating Act or obstructing its Execution.

117. Whoever wilfully violates or contravenes any Provision of this Act to which a pecuniary Penalty is not herein attached, obstructs any Person acting under the Authority or employed in the Execution of this Act, or wilfully violates any Direction or Regulation issued by the Board under this Act, shall be liable for every such Offence to a Penalty not exceeding Five Pounds; provided that nothing in this Act shall exempt any Person from any Penalty or Liability to which he may otherwise be subject.

Works of Distribution of Sewage to be deemed a Land Improvement.

118. The making of Works of Distribution and Service for the Supply of Sewage to Lands for agricultural Purposes shall be deemed an Improvement of Land authorized by the Land Improvement Act, 1864, and the Provisions of that Act shall apply accordingly.

Compensation to be made.

119. Full Compensation shall be made, out of any Fund or Assessment applicable to the Purposes of this Act, to all Persons sustaining any Damage by reason of the Exercise of any of the Powers of this Act, except when otherwise specially provided; and in case of Dispute, if the Sum claimed do not exceed the Sum of Fifty Pounds Sterling, the same may be ascertained on a summary Application by either Party to the Sheriff, whose Decision shall be final and not subject to Review, unless when pronounced by the Sheriff Substitute, in which Case it may be reviewed by the Sheriff on Appeal; and when the Sum claimed exceeds Fifty Pounds Sterling, such Compensation shall be ascertained and disposed of in Terms of the Lands Clauses Acts.

120. No

120. No Conviction or other legal Proceeding under this Act shall be void for Want of Form, or for Want of any previous Notice, provided in this latter Case the Party proceeded against or convicted has appeared or the Charge had come to his Knowledge; and the Charge may be amended at any Time, and the Proceedings may be adjourned on the Ground of Want of sufficient Notice, or for other good Cause. Convictions not void for Want of Form.

121. The Local Authority and the Board shall not be liable in Damages for any Irregularity committed by their Officers in the Execution of this Act, or for anything done by themselves in the bonâ fide Execution of this Act; and every Officer acting in the bonâ fide Execution of this Act shall be indemnified by the Local Authority under which he acts in respect of all Costs, Liabilities, and Charges to which he may be subjected; and every Action or Prosecution against any Person acting under this Act, on account of any Wrong done in or by any Action, Proceeding, or Operation under this Act, shall be commenced within Two Months after the Cause of Action shall have arisen. Local Authority or Board not liable for Irregularity of their Officers.

122. The Forms contained in the Schedule to this Act annexed, or any Forms to the like Effect, may be used for the Purposes of this Act, and shall be sufficient therefor, and all written Proceedings or Documents under this Act may be wholly or partly printed. As to Forms to be used.

123. All Bonds, Assignations, Conveyances, Instruments, Agreements, Receipts, or other Writings made or granted by or to or in favour of the Local Authority under this Act shall be exempt from all Stamp Duties. Exemption from Stamp Duties.

124. The Constabulary and Police Force in their respective Jurisdictions shall aid the Authorities and Officers acting in execution of this Act, or any Directions or Regulations issued as aforesaid. Police Constables to aid in executing Act.

125. Nothing in this Act shall be construed to impair any Right of Action in respect of Nuisances at Common Law. Act not to impair Right of Action, &c.

SCHEDULE.

Bond for Borrowed Money.

We, *A.B.* [*Designation*], present Chairman of the Local Authority of the Burgh [*or* Parish] of and [*Designation*] and [*Designation*], Two of the Members of the said Local Authority, considering that, by Resolution of the said Local Authority passed on the Day of , it was resolved to borrow the Sum of Pounds, under the Powers contained in "The Public Health (Scotland) Act, 1867," Section , for the Purpose of [*specify Purpose*], and on Security of the after-mentioned Assessments, and further, considering that we have accordingly borrowed and received the Sum of from [*Name and Designation of the Lender*], therefore we bind the said Local Authority to repay the said Sum of Pounds [*here insert Obligation to repay in accordance with the Arrangement made between the Local Authority and the Lender*], and in Security of the said Loan, we hereby assign to the said and his foresaids the [*specify the Assessments on the Security of which the Money is borrowed*], and we consent to the Registration hereof for Preservation and Execution. In witness whereof, *&c.*

Public Health (Scotland)

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

To consolidate and amend the Law relating to the Public Health in Scotland.

(Prepared and brought in by Sir Graham Montgomery, Mr. Secretary Walpole, and Mr. Hunt.)

Ordered, by The House of Commons, *to be Printed,* 15 *July* 1867.

[Bill 251.]

Under 8 *oz.*

Public Health (Scotland) Bill.

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, AND ON SECOND RE-COMMITMENT.]

ARRANGEMENT OF CLAUSES.

Clauses.

Preliminary.

1. Short Title.
2. Repeal of certain Acts.
3. Interpretation.
4. Incorporation of Lands Clauses Acts.

PART I.

Local Authority and Board of Supervision.

5. As to Local Authorities to execute Act.
6. Where District in more than One County.
7. Local Authorities incorporated. Committees may be appointed.
8. Local Authority to appoint Sanitary Inspectors and other Officers.
9. Powers of Board to require Returns and examine Witnesses.
10. Board may authorize Special Inquiries to be made.
11. Board may appoint Commissioners for conducting Special Inquiries.
12. Board may allow Expenses of Witnesses.
13. Penalties on Parties giving false Evidence or refusing to obey Summons of Board
14. Power of Board to appoint Clerks
15. Salaries of legal Members of Board.

PART II.

Removal of Nuisances.

16. Description of Nuisances under this Act.
17. Power of Entry to Local Authority or their Officers.
18. Proceedings of Local Authority when Nuisances are ascertained to exist.

Clauses.

19. Form of Interlocutor.
20. Penalty for Contravention of Decree and Interdict.
21. Order when Structural Works are required.
22. Local Authority to do Works on Owner's or Occupier's Default, or if Person causing Nuisance cannot be found.
23. Manure, &c. to be sold.
24. Foul Ditches, &c. may be replaced by Sewers.
25. Act not to affect Navigation of Rivers or Canals or Irrigation of Lands.
26. Penalty on Sale of unwholesome Meat.
27. Penalty for causing Water to be corrupted by Gas Washings, &c.
28. Such Penalties, &c. to be sued for within Six Months.
29. Daily Penalty during the Continuance of the Offence.
30. Offensive Trades to be subject to Regulations.

PART III.

Prevention and Mitigation of Diseases under Order in Council.

31. Privy Council empowered to issue Orders for Prevention of Diseases.
32. When Order is issued, Board to be vested with certain Powers.
33. Board may issue Regulations to carry out such Provisions of Order
34. Orders of Council, Directions and Regulations of Board, to be laid before Parliament.
35. Matters to be provided for by such Regulations.
36. Power for Local Authority, &c. to enter Premises.
37. When Order in Council in force, overcrowded Houses to come under Common Lodging Houses Provisions.
38. Order in Council to extend to Ports and Arms of the Sea.

PART IV.

General Prevention and Mitigation of Diseases.

39. Power to provide Hospitals.
40. Power to provide Means of Disinfection, and Carriages for Conveyance of infected Persons.
41. Local Authority may erect public Waterclosets, &c.
42. Removal of Persons sick of infectious Disorders, and without proper Lodging in any District.

43. Places

Clauses.

43. Places for the Reception of dead Bodies may be provided at the Public Expense.

44. In Burghs, &c. Local Authority may make Regulations as to Lodging Houses, with Consent of the Board.

45. Rules as to underground Dwellings.

46. Penalty on letting underground Dwellings.

47. Cases in which Two Convictions have occurred within Three Months.

48. Penalty on Person suffering from infectious Disease entering public Conveyance without notifying to Driver that he is so suffering.

49. Penalty on any Person with infectious Disorder exposing himself, or on any Person in charge of such Sufferer causing such Exposure.

50. Penalty on Persons letting Houses in which infected Persons have been lodging.

51. Removal of Manure in Mews, &c.

52. Provision as to Ships within the Jurisdiction of Local Authority.

53. Provision as to District of Local Authority extending to Places where Ships are lying.

54. Medical Officer of Parish to be allowed to charge for attending Sick on board any Ship, and to be paid by Captain.

55. Power to remove to Hospital sick Persons brought by Ships.

56. Description of Ships within Provisions of 6 Geo. 4. c. 78., and Power to reduce Penalties imposed thereby.

57. Power to defray Cost of Vaccination in certain Cases.

58. Power to provide Grounds for public Recreation.

PART V.

Regulation of Common Lodging Houses.

59. Common Lodging Houses to be registered.

60. No Lodger to be received in Common Lodging House till it has been inspected and registered.

61. Evidence of Register.

62. Power of Local Authority to make Rules and Regulations respecting Common Lodging Houses, to take effect when confirmed by the Board.

63. Such Rules and Regulations, when confirmed, to be printed, and furnished gratis to Keepers of Common Lodging Houses.

64. Power

Clauses.
64. Power to Local Authority to require an additional Supply of Water to Common Lodging Houses.
65. Power to Local Authority to order Reports from Keepers of Common Lodging Houses.
66. Local Authority may remove sick Persons from Common Lodging Houses to Hospitals, &c.
67. As to giving Notice of Fever, &c. occurring in Common Lodging Houses.
68. As to Inspection of Common Lodging Houses.
69. As to cleansing of Common Lodging Houses.
70. Conviction for Third Offence, &c. to disqualify Persons from keeping Common Lodging Houses.

PART VI.

Sewers, Drains, and Water Supply.

71. Sewers to be vested in Local Authority.
72. Power to purchase Sewers.
73. Power to make Sewers.
74. Powers for utilizing Sewage.
75. Power of Entry.
76. Formation of Special Drainage District.
77. Power to drain into Sewers of Local Authority.
78. Use of Sewers by Persons beyond District.
79. Penalty for making unauthorized Drains.
80. Estimates for Work.
81. Not to build over Sewers.
82. Sewers to be trapped.
83. Distilleries, &c. to deposit Refuse.
84. Drain discharging below High-water Mark.
85. As to Drainage of Houses.
86. Power of borrowing for Sewers.
87. Local Authorities may combine.
88. Supply of Water for Burghs above 10,000.
89. Supply of Water for Burghs under 10,000.
90. Regulations as to Purchase of Land, &c.
91. Loans from Public Works Loan Commissioners.
92. Execution and Maintenance of Works as to Water Supply.

PART

PART VII.

Assessments.

Clauses.

93. Special Drainage Assessment.
94. Assessments in Burghs under 10,000.
95. Assessments in Burghs above 10,000.

PART VIII.

Enforcement of and Procedure under this Act.

96. Procedure if Local Authority neglect their Duty under this Act.
97. Provision for Refusal or Neglect of Local Authority.
98. Procurator Fiscal may sue by Directions of the Board.
99. Duties of Local Authorities as to Inspection of Nuisances, &c.; Procedure where Nuisance beyond District.
100. Local Authority may require Payment of Costs or Expenses from Owner or Occupier, and Occupier paying to deduct from Rent.
101. Penalty for wilful Damage of Works.
102. Appearance of Local Authorities in legal Proceedings.
103. Recovery of Penalties.
104. Powers of Act cumulative.
105. Form of Application to the Sheriff.
106. No written Pleadings, &c. allowed.
107. Appeal in certain Cases.
108. No Appeal otherwise.
109. Justices being Members of Local Authority may act.
110. Service of Notices, Petitions, and Orders.
111. Proof of Resolutions of Local Authority and Board.
112. One or more Joint Owners may be proceeded against alone.
113. Penalty on Occupier obstructing Owner.
114. Penalty for violating Act or obstructing its Execution.
115. Works of Distribution of Sewage to be deemed a Land Improvement.
116. Compensation to be made.
117. Convictions not void from Want of Form, &c.
118. Local Authority or Board not liable for Irregularity of their Officers.

Clauses.
119. As to Forms to be used.
120. Exemption from Stamp Duties.
121. Police Constables to aid in executing Act.
122. Act not to impair Right of Action, &c.
SCHEDULE.

A

B I L L

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, AND ON SECOND RE-COMMITMENT]

TO

Consolidate and amend the Law relating to the Public Health in Scotland.

WHEREAS it is expedient to consolidate and amend the Laws applicable to Scotland for Removal of Nuisances, for Prevention of Diseases, and for Sanitary Purposes generally: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Preliminary.

1. This Act may be cited for all Purposes as the "Public Health (Scotland) Act, 1867." Short Title.

2. From and after the First Day of November One thousand eight hundred and sixty-seven, the Nuisances Removal (Scotland) Act, 1856, except Part V. thereof, Sections 441 to 447, both inclusive, of the General Police and Improvement (Scotland) Act, 1862, and also the Sewage Utilization Act, 1865, and the Sanitary Act, 1866, so far as these Two last-mentioned Acts apply to Scotland, Repeal of 19 & 20 Vict. c. 103., and Sections of 25 & 26 Vict. c. 101., 28 & 29 Vict. c. 75., 29 & 30 Vict. c. 90.

Scotland, are repealed: Provided always, that all Proceedings commenced or taken under the said Acts or any of them, in so far as hereby repealed, and not yet completed, may be proceeded with under the said Acts or any of them, or under this Act; and all Orders in Council, and all Directions and Regulations issued by the Board of Supervision under the said Acts or any of them, and all Appointments made, and all Contracts or Works undertaken, and generally all Claims, Rights, and Liabilities, Civil or Criminal, constituted or existing under the said Acts, before the passing of this Act, with the Remedies and Proceedings applicable thereto under the said Acts or this Act, shall continue and be as effectual as if the said Acts had not been repealed; and where in any Enactments of any Act, General or Local, which shall continue in force after the Commencement of this Act, any of the Acts or Parts of Acts hereby repealed is cited or referred to, such Enactments shall be interpreted as if this Act were cited or referred to therein, and as if the Provisions of this Act were substituted for the Provisions hereby repealed.

Interpretation of certain Terms.

3. In this Act the following Words and Expressions shall have the Meanings herein-after assigned to them, unless such Meaning is inconsistent with the Context:

The Word "Board" shall signify the Board of Supervision for the Relief of the Poor in Scotland:

The Word "Secretary" shall include Assistant Secretary:

The Expression "Medical Officer" shall signify a duly qualified Medical Practitioner appointed under the Act Eighth and Ninth Victoria, Chapter Eighty-three, or under this Act:

The Word "Sheriff" shall include Sheriff Substitute:

The Word "Burgh" shall include not only Royal Burgh, Parliamentary Burgh, Burgh incorporated by Act of Parliament, Burgh of Barony, and Burgh of Regality, but also any populous Place having a Town Council, Police Commissioners or Trustees exercising the Functions of Police Commissioners under any General or Local Act:

The Word "Magistrate" shall include a Magistrate or Judge having Police Jurisdiction under the General Police and Improvement (Scotland) Act, 1862, or under any General or Local Police Act which may be in force:

The Word "Decree" or "decern" shall include any Warrant, Sentence, Judgment, Order, or Interlocutor:

The Word "Owner" shall signify the Person for the Time entitled to receive, or who would, if the same were let, be entitled to receive, the Rents of the Premises, and shall include a Trustee, Factor, Tutor, or Curator, and in case of Public or Municipal Property

Property shall apply to the Persons to whom the Management thereof is intrusted:

The Word "Ship" shall include any Sailing or Steam Ship, Vessel, or Boat:

The Word "Premises" shall include Lands, Buildings, Structures of any Kind, Streams, Lakes, Drains, Ditches, or Places open, covered, or inclosed, and any Ship, lying in any Sea, River, Harbour, or other Water, or ex adverso of any Place within the Limits of the Local Authority:

The Word "Person," and Words applied in this Act to any Person or Individual, shall apply to and include Women, Corporations, Clubs, Societies, Statutory Boards or Commissioners, Joint Stock Companies, Partnerships, Joint Owners, and Joint Occupants, and Trustees:

The Expression "Author of a Nuisance" shall signify the Person through whose Act or Default the Nuisance is caused, exists, or is continued, whether he be the Owner or Occupier, or both:

The Expression "Common Lodging House" shall signify a House or Part thereof where Lodgers are housed at an Amount not exceeding Fourpence per Night for each Person, whether the same be payable nightly or weekly, or at any Period not longer than a Fortnight, or where the House is licensed to lodge more than Twelve Persons:

The Expression "Keeper of a Common Lodging House" shall include any Person having or acting in the Care and Management of a Common Lodging House.

Incorporation of Lands Clauses Acts.

4. "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall, for the special Purposes herein-after mentioned, be incorporated with and form Part of this Act, and shall be herein-after referred to as "The Lands Clauses Acts."

PART I.

Local Authority and Board of Supervision.

As to Local Authorities to execute this Act.

5. The following Bodies shall respectively be the Local Authority to execute this Act in the Districts hereunder stated in Scotland:

In Places within the Jurisdiction of any Town Council, and not subject to the Jurisdiction of Police Commissioners or Trustees as after mentioned,—the Town Council:

In Places within the Jurisdiction of Police Commissioners or Trustees exercising the Functions of Police Commissioners under any General or Local Act,—the Police Commissioners or Trustees:

In any Parish, or Part thereof, over which the Jurisdiction of a Town Council or of Police Commissioners or Trustees exercising the Functions of Police Commissioners does not extend,—the Parochial Board of such Parish:

Board of Supervision to determine the Local Authority in Parishes not wholly within the Jurisdiction of a Town Council, &c.

Provided always, that where any Parish shall be partly within and partly beyond the Jurisdiction of a Town Council and of Police Commissioners or Trustees, and of a Parochial Board, or of any Two or more of such Bodies, the Board, if Application be made to them by any of these Bodies, or by any Person having Interest, may, if they see fit, determine which of the said several Bodies shall be the Local Authority within the whole Limits or within any Portion of such Parish, and the Board may from Time to Time recal or vary such Determination; and provided further, that all Determinations already made under the Fifth Section of the Nuisances Removal (Scotland) Act, 1856, shall be valid and effectual till recalled or varied under this Act.

Where District in more than One County.

6. Where any Parish or Burgh shall be situated in more than One County, the Board shall, on Application being made to them by any Person having Interest, determine in which One of such Counties such Parish or Burgh shall be held to be situated for the Purposes of this Act, whose Decision shall be final; and the Jurisdiction and Powers of Magistrates, Justices, and Sheriffs, and the Powers of their Officers under this Act, shall be regulated accordingly, and the Board may from Time to Time recal or vary such Determination; provided always, that all Determinations already made under the Fifth Section of the Nuisances Removal (Scotland) Act, 1856, shall be valid and effectual till recalled or varied under this Act.

Local Authorities to be Bodies Corporate. Committees may be appointed.

7. The Local Authorities shall respectively be Bodies Corporate, designated by such Names as they may usually bear or adopt, with Power to sue and be sued in such Names, and to hold Lands for the Purposes of this Act; and the Local Authority may appoint any Committee or Committees of their own Body to receive Notices, to take Proceedings, and in all or certain specified respects to execute this Act, whereof Two shall be a Quorum, unless a larger Quorum be specified in their Appointment; and such Local Authority or their Committee, thereto duly authorized, may, by Minute or other Writing signed by the Chairman of such Body or Committee, empower any Officer or Person to make Complaints and take Proceedings on their Behalf; and all Acts done or Proceedings taken by or against such Committee or Officer or Person shall be as valid as if they were done by or taken in the Name of all the Members of the Local Authority; and the Local Authority shall have Power to commence or carry on all Proceedings commenced, or which might have been commenced before the passing of this Act, by the Local Authority under

under any of the before repealed Acts, and shall be vested with all Property or pecuniary Claims so vested in such last-mentioned Local Authority.

Local Authority to appoint Sanitary Inspectors and other Officers.

8. The Local Authority may, and where it shall be thought necessary by the Board for the Purposes of this Act, the Local Authority shall appoint a Sanitary Inspector or Inspectors, who shall be also Inspector or Inspectors of Common Lodging Houses, and a Medical Officer or Medical Officers, and may make Byelaws for regulating the Duties of such Inspectors and Medical Officers, which Byelaws shall not be effectual until they are approved of by the Board; and the Local Authority shall appoint convenient Places for their Offices, and shall allow to every such Inspector or Medical Officer on account of his Employment a proper Salary; and if no such Inspector or Medical Officer is appointed the Local Authority shall, in all Cases in which any Duty is laid on them by this Act, appoint some Person, where the same shall be necessary, to perform such Duty, and shall remunerate him as they shall see fit; and the Names and Addresses and Salaries of the said Inspectors and Medical Officers shall be reported by the Local Authority to the Board immediately on such Persons being appointed and such Salaries fixed; and the said Inspectors and Medical Officers shall be bound to make such Returns and Special Reports to the Board as the Board shall require them to make; and the said Inspectors shall be removable from Office only by the Board; except in the Case where the Local Authority is the Town Council or Police Commissioners or Trustees in any Burgh in Scotland having a Local Act for Police Purposes, or having a Population of Ten thousand or upwards according to the Census last taken, in which Case the Inspectors shall be removable from Office by the Local Authority.

Powers of the Board to require Returns and examine Witnesses.

9. It shall be lawful for the Board, upon written Application by Two or more Parties interested or upon the Report of any of their Inspecting Officers, to inquire into the Sanitary Condition of any Parish in Scotland, or into the Sanitary Condition of any Burgh in Scotland not having a Local Act for Police Purposes, or not having a Population of Ten thousand or upwards according to the Census last taken, and also in these Two latter Cases with the Consent of One of Her Majesty's Principal Secretaries of State; and for this Purpose the Board are hereby empowered to make Inquiries, and require Answers or Returns to be made to the Board upon any Question or Matter connected with or relating to the Purposes of this Act, and also by a Summons, signed by One of their Number or by the Secretary,

to require the Attendance of all such Persons as they may think fit to call before them upon any such Question or Matter, and to administer Oaths to and examine upon Oath all such Persons, and to require and enforce the Production upon Oath of all Books, Contracts, Agreements, Accounts, and Writings, or Copies thereof respectively, in anywise relating to any such Question or Matter, or in lieu of requiring such Oath as aforesaid, the Board may, if they think fit, require any such Person to make and subscribe a Declaration of the Truth of the Matters respecting which he shall have been or shall be so examined.

Board may authorize Special Inquiries to be made.

10. It shall and may be lawful for the Board, whenever it may seem fitting to them, with the Consent of One of Her Majesty's Principal Secretaries of State or of Her Majesty's Advocate for Scotland, to authorize and empower for a limited Time One of the Members thereof to conduct any Special Inquiry in any Part of Scotland, and to report thereon to the Board; and such Member so authorized and empowered shall be entitled to summon and examine on Oath Witnesses and Havers, and to exercise all such other of the Powers by this Act given to the Board as may be necessary for conducting such Inquiry, and such Member shall be reimbursed by the Board of all Expenses necessarily incurred by him in conducting such Inquiry, and such Expenses shall be deemed Part of the Expenses attending the Execution of this Act, and be defrayed in the same Manner as the General Expenses of the Board are now defrayed.

Board may appoint Commissioners for conducting Special Inquiries.

11. It shall and may be lawful for the Board, whenever it may seem fitting to them, with the Consent of One of Her Majesty's Principal Secretaries of State or of Her Majesty's Advocate for Scotland, or whenever the Board may be thereunto required by One of Her Majesty's said Secretaries of State or by Her Majesty's Advocate, to appoint some Person, not being a Member of the Board, but being a Member of the Faculty of Advocates, or a duly qualified Medical Practitioner, or an Architect or Surveyor or Engineer, or Two of such Persons, to act as a Commissioner or Commissioners for the Purpose of conducting any Special Inquiry for a limited Period, and to report thereon; and the Board shall delegate to every Person so appointed for the Purpose of conducting such Inquiry, all such of the Powers of the Board as they may deem necessary or expedient for summoning or examining Witnesses and Havers, and otherwise conducting such Inquiry; and every such Appointment shall be subject to the Approval of One of Her Majesty's said Secretaries of State or of Her Majesty's said Advocate; and every Person so appointed as aforesaid to conduct any

any Special Inquiry shall, before he enter on the Execution of his Duties, take an Oath de fideli administratione officii, which Oath may be administered to him by any Member of the Board, or by any One of the Judges of the Court of Session, or by the Sheriff of any County; and it shall not be necessary to notify the Appointment of any such Commissioner otherwise than by intimating the same by Letter under the Hand of the Secretary, or of any Member of the Board, to the Sheriff of the County within which the Inquiry in question is to be made; and every such Commissioner shall be reimbursed by the Board for all Expenses necessarily incurred by him in conducting such Inquiry, and shall also receive such reasonable Remuneration for his Time and Trouble as may have been agreed upon between him and the said Board, and approved of by the Commissioners of Her Majesty's Treasury, or by such Person or Persons as they shall name.

Board may allow Expenses of Witnesses, &c.

12. It shall be lawful for the Board, in any Case where they see fit, to order and allow such Expenses of Witnesses, and such Expenses of or concerning the Production of any Books, Contracts, Agreements, Accounts, or Writings, or Copies thereof, to or before the said Board, or Member thereof, or Commissioner or Commissioners, as such Board may deem reasonable; and such Expenses so ordered and allowed shall be deemed Part of the Expenses attending the Execution of this Act, and be defrayed in the same Manner as the general Expenses of this Board are now defrayed.

Penalties on Parties giving false Evidence or refusing to obey Summons of the Board.

13. If any Person, upon any Examination on Oath under the Authority of this Act, shall wilfully give false Evidence, he shall be deemed guilty of Perjury, and shall be liable to the Pains and Penalties thereof; and in case any Person shall wilfully refuse to attend in obedience to any Summons of the Board, or Member or Commissioner authorized or appointed by the Board as aforesaid, or to give Evidence, or shall wilfully refuse to produce any Books, Contracts, Agreements, Accounts, and Writings, or Copies of the same, which may be required to be produced before the Board, or Member thereof, or Commissioner or Commissioners, or shall wilfully neglect or disobey any of the Orders of the Board, or Member or Commissioner, or be guilty of any Contempt of the Board, or Member or Commissioner, such Person being thereof lawfully convicted, shall forfeit and pay for the First Offence any Sum not exceeding Five Pounds; for the Second and every subsequent Offence any Sum not exceeding Twenty Pounds nor less than Five Pounds.

Power of Board to appoint

14. The Board are hereby empowered from Time to Time to appoint all such Officers and Clerks as they shall deem necessary, and

and from Time to Time, at the Discretion of the Board, to remove such Officers and Clerks, or any of them, and to appoint others in their Stead; provided that the Amount of the Salaries of such Officers and Clerks shall from Time to Time be regulated by the Commissioners of Her Majesty's Treasury; and the Name of every Person so appointed or removed as aforesaid shall forthwith be intimated to One of Her Majesty's Principal Secretaries of State for his Approval, who shall be understood to approve of such Appointment or Removal, if no Notice to the contrary be received by the Board within Twenty-one Days from the Day of the Date of such Intimation.

Salaries of Legal Members of Board.

15. The Sheriffs of Perth, Renfrew, and Ross and Cromarty shall each receive, so long as they act as Members of the Board of Supervision, the Sum of One hundred and fifty Pounds Sterling per Annum, and such Allowance shall come in place of the Allowance of One hundred Pounds Sterling provided to the said Sheriffs by the Act Eighth and Ninth of Her Majesty, Chapter Eighty-three, Section Four.

PART II.

Removal of Nuisances.

Description of Nuisances under this Act.

16. The Word "Nuisance" under this Act shall include—

(*a.*) Any Insufficiency of Size, Defect of Structure, Defect of Ventilation, Want of Repair or proper Drainage, or suitable Watercloset, or Privy Accommodation or Cesspool and any other Matter or Circumstance rendering any inhabited House, Building, Premises, or Part thereof, injurious to the Health of the Inmates or unfit for Human Habitation or Use:

(*b.*) Any Pool, Watercourse, Ditch, Gutter, Drain, Sewer, Privy, Urinal, Cesspool, or Ashpit so foul as to be injurious to Health, or any Well or other Water Supply used as a Beverage or in the Preparation of Human Food, the Water of which is so tainted with Impurities or otherwise unwholesome as to be injurious to the Health of Persons using it, or calculated to promote or aggravate epidemic Disease:

(*c.*) Any Stable, Byre, Pigstye, or other Building in which any Animal or Animals are kept in such a Manner as to be injurious to Health:

(*d.*) Any Accumulation or Deposit of Manure or other offensive Matter within Fifty Yards of any Dwelling House within the Limits of any Burgh, or wherever situated, if injurious

to

to Health, or any Accumulation of Police Manure within a Quarter of a Mile of the Municipal Boundaries of any Burgh:

(*e.*) Any Work, Manufactory, Trade, or Business injurious to the Health of the Neighbourhood, or so conducted as to be offensive or injurious to Health, or any Collection of Bones or Rags injurious to Health:

(*f.*) Any House or Part of a House so overcrowded as to be dangerous or injurious to the Health of the Inmates:

(*g.*) Any Factory, Workshop, or Workplace, not under the Operation of any General Act for the Regulation of Factories or Bakehouses, and not kept in a cleanly State, or not ventilated in such a Manner as to render harmless, as far as practicable, any Gases, Vapours, Dust, or other Impurities generated in the course of the Work carried on therein, and injurious or dangerous to the Health of Persons employed therein, or any such Factory, Workshop, or Workplace as is so overcrowded, while Work is carried on therein, as to be dangerous or injurious to the Health of those employed therein:

(*h.*) Any Fireplace or Furnace which does not as far as practicable consume the Smoke arising from the combustible Matter used in such Fireplace or Furnace, and is used within any Burgh, for working Engines by Steam, or in any Mill, Factory, Dyehouse, Brewery, Bakehouse, or Gaswork, or in any Manufactory or Trade Process whatsoever:

(*i.*) Any Chimney (not being the Chimney of a private Dwelling House) sending forth Smoke, so as to be injurious to Health:

Provided that in Places where at the Time of the passing of this Act no Enactment is in force compelling Fireplaces or Furnaces to consume their own Smoke, the foregoing Enactment as to Fireplaces and Furnaces consuming their own Smoke shall not come into operation until the Expiration of One Year from the Date of the passing of this Act:

(*j.*) Any Churchyard, Cemetery, or Place of Sepulture so situated or so crowded with Bodies or otherwise so conducted as to be offensive or injurious to Health.

Power of Entry to Local Authority or their Officers.

17. If the Local Authority or Sanitary Inspector have reasonable Grounds for believing that Nuisance exists in any Premises, such Local Authority or Inspector may demand Admission for themselves, the Superintendent of Police, and the Medical Officer, or any other Person or Persons whom the Local Authority may

desire to inspect such Premises, or for any or all of them, to inspect the same at any Hour between Nine in the Morning and Six in the Evening, or at any Hour when the Operations suspected to cause the Nuisance are in progress or are usually carried on; and if Admission be refused, the Local Authority or Sanitary Inspector may apply to the Sheriff, or to any Magistrate or Justice of the Peace having Jurisdiction in the Place, stating on Oath such Belief; and such Sheriff, Magistrate, or Justice may, with or without Intimation to the Owner, Occupier, or Person in charge of the Premises, by Order in Writing, require the Occupier or Person having the Custody of such Premises to admit the Local Authority and others foresaid; and if such Occupier or Person refuse or fail to obey such Order, he shall on Conviction of such Offence be liable to a Penalty not exceeding Five Pounds; and on being satisfied of such Failure or Refusal, the Sheriff, Magistrate, or Justice may grant Warrant to such Person or Persons for immediate forcible Entry into the Premises; and if no such Occupier or Person can be discovered, or if no Person is found on the Premises to give or refuse Admission, the Local Authority or their Officers may enter the Premises without any Order or Warrant, and forcibly, if need be.

Proceedings by Local Authority when Nuisances are ascertained to exist.

18. In any Case where the Existence of a Nuisance is ascertained to their Satisfaction by the Local Authority, or is certified to them in Writing, signed by the Medical Officer, or where the Nuisance in the Opinion of the Local Authority did exist at the Time when Demand of Admission was made or the Certificate was given, and although the same may have been since removed or discontinued, is in their Opinion likely to recur or to be repeated, they may apply to the Sheriff or to any Magistrate or Justice, by summary Petition in manner herein-after directed, and if it appear to his Satisfaction that the Nuisance exists, or if removed or discontinued since the Demand of Admission was made or the Certificate was given, that it is likely to recur or to be repeated, he shall decern for the Removal or Remedy or Discontinuance or Interdict of the Nuisance, as herein-after mentioned; provided that in the Cases under the Heads marked (*e.*) and (*g.*) in Section Sixteen such Application shall be made only on Medical Certificate as aforesaid, or on a Requisition in Writing under the Hands of any Ten Inhabitants of the District of the Local Authority; and that in these Cases, and the Cases under the Heads marked (*h*) and (*i*) in said Sections, shall be made only to the Sheriff; and farther, that in the Cases under the Head marked (*j.*) in Section Sixteen it shall not be necessary to cite any Person as the Author of the Nuisance, but such Application shall be proceeded with by the Sheriff (to whom alone it shall be made) after such Intimation to the Collector of

of the Churchyard or other Dues, or to such other Person as to the Sheriff shall seem meet; and such Person or Persons as shall appear after such Intimation shall, if the Sheriff think proper, be allowed to be heard and to object to such Application in the same Manner as if he or they were the Author of the alleged Nuisance within the Meaning of this Act.

Form of Interlocutor.

19. It shall not be necessary to restrict such Decree to any special Remedy prayed for in the Petition, but, as the Case shall require, the Author of the Nuisance or Owner of the Premises may be ordained to provide sufficient Privy or Watercloset or Ashpit Accommodation, Means of Drainage or Ventilation for, or to repair, make safe, and habitable, or to floor, pave, cleanse, whitewash, disinfect, or purify, the Dwelling House, Building, or Premises, or to drain, empty, cleanse, fill up, cover, repair, or remove any Pool, Ditch, Gutter, Watercourse, Privy, Cesspool, Drain, or Ashpit, or to shut up or purify any Well, or to provide a Substitute for that complained of, or to abstain from any Operation which may pollute a Well or Stream from which the Inhabitants obtain a Supply of Water, or to cease to use the Water of any Well or Stream as a Beverage or in the Preparation of Human Food, or to remove the Animal, or to carry away the offensive Matter, or to discontinue the Work, Trade, Manufactory, or Business, or prevent the injurious Effects thereof (according to the Nature of the Case), or to limit the Number of Persons who may be accommodated in any House or Part thereof overcrowded, or the Number of separate Dwellings into which such House or Part thereof may be divided or let for the Use of separate Families or Persons, or to increase the Means of Ventilation, or to shut up or regulate the Use of any Churchyard, Cemetery, or Place of Sepulture, or to do such other Works or Acts as are necessary to remove the Nuisance complained of, in such Manner and within such Time as in the Interlocutor shall be specified; and if the Sheriff, Magistrate, or Justice is of opinion that such or the like Nuisance is likely to recur, he may further grant Interdict against the Recurrence of it, or do otherwise, as the Case may in his Judgment require; and if the Nuisance proved to exist be such as to render a House or Building unfit for Human Habitation, he may prohibit the using thereof for that Purpose until it is rendered fit for that Purpose, or do otherwise as the Case may in his Judgment require.

Penalty for Contravention of Decree and of Interdict.

20. If the said Decree be not complied with in good and sufficient Manner, and within the Time appointed, the Author of the Nuisance, or the Owner, as the Case may be, shall be liable, in the Case of Nuisances specified in Clauses (*a.*), (*b.*), (*c.*), (*d.*), (*f.*), (*i.*),

and (*j.*) in Section Sixteen of this Act, to a Penalty of not more than Ten Shillings per Day during his Failure so to comply; and if the said Interdict be knowingly infringed by the Act or Authority of the Owner or Occupier, such Owner or Occupier shall be liable for every such Offence to a Penalty not exceeding Twenty Shillings per Day during such Infringement; and in the Case of Nuisances specified in Clauses (*e.*), (*g.*), and (*h.*) in the said Section, the Party not complying with or infringing such Decree shall be liable to a Penalty not exceeding Five Pounds nor less than Two Pounds for the First Offence, and of Ten Pounds for the Second, and for each subsequent Conviction a Sum double the Amount of the Penalty in the last preceding Conviction, but no Penalty shall exceed Two hundred Pounds: Provided always, in the Case of such last-mentioned Nuisance (*h.*), that if it appears to the Sheriff, that the best Means then known to be available for mitigating the Nuisance, or the injurious Effects thereof, have not been adopted, he may suspend his final Determination, upon Condition that the Author of the Nuisance shall undertake to adopt within a reasonable and definite Time such Means as he shall judge to be practicable, and order to be carried into effect, for mitigating or preventing such injurious Effects.

Order when structural Works are required.

21. When it shall appear to the Sheriff, Magistrate or Justice, that the Execution of structural Works is required for the Removal or Remedy of a Nuisance, he may appoint such Works to be carried out under the Direction and subject to the Approval of any Person he may appoint; and he may, before making his Order, require the Local Authority, within a Time to be specified by him, to furnish him with an Estimate of the Cost of the required Works.

Local Authority to do Works on Owner's or Occupier's Default, or if Person causing Nuisance cannot be found.

22. In case of Noncompliance with or Infringement of any Decree aforesaid, the Sheriff, Magistrate, or Justice may, on Application by the Local Authority, grant Warrant to such Person or Persons as he may deem right to enter the Premises to which such Decree relates, and remove or remedy the Nuisance thereby condemned or interdicted, and do whatever may be necessary in execution of such Decree; or if in the original Application it appears to his Satisfaction that the Author of the Nuisance is not known or cannot be found, then such Decree may at once ordain the Local Authority to execute the Works thereby directed; and all Expenses incurred by the Local Authority in executing the Works may be recovered from the Author of the Nuisance or the Owner of the Premises.

23. Any

Manure, &c. to be sold.

23. Any Article or Articles removed by the Local Authority in pursuance of this Act may be sold by Public Roup, after not less than Five Days Notice by printed Handbills posted in the Locality, except in Cases where Delay would be prejudicial to Health, or in which the Article or Articles are not of the Value of Two Pounds or upwards, in which Case the Sheriff, Magistrate, or Justice may, by Writing under his Hand, order the immediate Removal, Sale, or Destruction of the Thing, and the Proceeds of the Sale shall be retained by the Local Authority, and applied pro tanto in Payment of all Expenses incurred under this Act with reference to such Nuisance; and the Surplus, if any, shall be paid, on Demand, by the Local Authority, to the Owner of such Thing; and the Balance of such Expenses shall be defrayed, if such Proceeds are insufficient for that Purpose, by the Author of the Nuisance or the Owner of the Premises.

Foul Ditches, &c. may be replaced by Sewers.

24. Whenever any Watercourse, Ditch, Gutter, or Drain along the Side of any public Road, Street, or Lane shall be used or partly used for the Conveyance of any Water, Sewage, or other Matter from any Premises, and cannot in the Opinion of the Local Authority be rendered free from Foulness or offensive Smell without the laying down of a Sewer or of some other Structure, such Local Authority shall and they are hereby required, subject to the Approval of the Board, to lay down such Sewer or other Structure within the Limits of their District, or, where necessary for the Purpose of Outfall or Distribution of Sewage, without their District, and to keep the same in good and serviceable Repair; and they may enter any Premises for such Purposes, and use such Part thereof as shall be necessary, and for such Use shall pay such Damages as may be assessed by the Sheriff on a summary Application, and to such Party as the Sheriff may direct: Provided always, that no Damage shall be payable to any Person who has caused or contributed to cause such Watercourse, Ditch, Gutter, or Drain to become foul or offensive, unless such Person shall satisfy the Sheriff that he had justifiable excuse for so doing; and such Local Authority are hereby authorized and empowered to assess the Owners of all the Premises (according to the yearly Value thereof) from which then or at any Time thereafter any Material other than pure Water flows, falls, or is carried into the said Sewer or other Structure, for Payment of all Expenses incurred in making and maintaining the same, and that either in One Sum or in Instalments, as they shall think just and reasonable, and after Fourteen Days Notice at the least left with the said Owners, if resident within the District, and if not so resident with the Occupiers of the said Premises, to levy and collect the Sums so assessed, with the same Remedies

in case of Default in Payment thereof, as are herein-after provided with Reference to the general Charge and Expenses incurred by the Local Authority under this Act.

Act not to affect Navigation of Rivers or Canals, or Irrigation of Lands.

25. Nothing in this Act contained shall enable any Local Authority or other Person to injuriously affect—

(1.) The Irrigation of Lands in a rural District, or the Supply of Water used for such Irrigation;

(2.) The Supply of Water required for the Purposes of any Waterworks established by Act of Parliament, or of the Compensation Water required to be given by the Owners of such Waterworks, unless the Local Authority shall have previously obtained the Consent of such Owners;

(3.) The Navigation on or Use of any River, Canal, Dock, Harbour, Lock, Reservoir, or Basin, in respect of which any Persons are by virtue of any Act of Parliament entitled to take Tolls or Dues, or the Supply of Water to the same, or any Bridges crossing the same, or any Towing Path thereon;

Provided always, That it shall not be lawful for the Local Authority to execute any Works in, through, or under any Wharves, Quays, Docks, Harbours, Locks, Reservoirs, or Basins without the Consent in Writing in every Case of the Persons entitled by virtue of any Act of Parliament to take Tolls or Dues in respect thereof, and such Persons may at their own Expense, and on substituting other Sewers, Drains, Culverts, and Pipes equally effectual, and certified as such by the Inspector to the Local Authority, take up, divert, or alter the Level of any Sewers and Drains, Culverts or Pipes, constructed by any Local Authority, and passing under or interfering with such Rivers, Canals, Docks, Harbours, Reservoirs, or Basins, or the Towing Paths thereof, and do all such Matters and Things as may be necessary for carrying into effect such taking up, Diversion, or Alteration.

Penalty on Sale of unwholesome Meat.

26. The Sanitary Inspector may at all reasonable Times enter any Premises to inspect and examine any Carcass, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables exposed for Sale, or which there is probable Cause for believing to be intended for Human Food; and in case any such Carcass, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables appear to him to be unfit for such Food, the same may be seized without any Warrant; and if it appear to the Sheriff, or any Two Magistrates or Justices, that any such Carcass, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables are unfit for the Food of Man, he or they shall, by a Writing under his or their Hand or Hands, order the same to be destroyed,

or

or to be so disposed of as to prevent the same being exposed for Sale or used for such Food; and the Person to whom such Carcass, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables belong, or in whose Custody the same are found, shall be liable to a Penalty not exceeding Ten Pounds for such Carcass, Piece of Meat or Flesh, or for any Quantity of Fish, Poultry, Game, Fruit or Vegetables, or any Refuse thereof, and also to pay all Expenses caused by the Seizure, Detention, or Disposal thereof.

Penalty for causing Water to be corrupted by Gas Washings, &c.

27. Any Person engaged in the Manufacture of Gas, Naphtha, Vitriol, Paraffine, or Dye Stuffs, or any other deleterious Substance, or in any Trade in which the Refuse produced in any such Manufacture is used, who shall at any Time cause or suffer to be brought or to flow into any Stream, Reservoir, Aqueduct, Well, or Pond, or Place for Water, constructed or used for the Supply of Water for domestic Purposes, or into any Pipe or Drain communicating therewith, any Product, Washing, or other Substance produced in any such Manufacture, or shall wilfully do any Act connected with any such Manufacture, whereby the Water in any such Stream, Reservoir, Aqueduct, Well, Pond, or Place for Water shall be fouled, and any Person who shall wilfully do or permit to be done any Act whereby the Water in any Stream, Reservoir, Aqueduct, Well, Pond, or Place constructed for the Supply of Water for domestic Purposes shall be fouled, shall forfeit for every such Offence a Sum not exceeding Fifty Pounds.

Such Penalties, &c. to be sued for within Six Months.

28. Such Penalty may be recovered, with Expenses, by the Person into whose Water such Product, Washing, or other Substance shall be conveyed or shall flow, or whose Water shall be fouled by any such Act as aforesaid, or in default of Proceedings by such Person, after Notice to him from the Local Authority of their Intention to proceed for such Penalty, or if there be no such Person, by the Local Authority; but such Penalty shall not be recoverable unless it be sued for during the Continuance of the Offence, or within Six Months after it shall have ceased.

Daily Penalty during the Continuance of the Offence.

29. In addition to the said Penalty (and whether such Penalty shall have been recovered or not), the Person so offending shall forfeit a Sum not exceeding Five Pounds (to be recovered in the like Manner) for each Day during which such Product, Washing, or other Substance shall be brought or shall flow as aforesaid, or during which the Act by which such Water shall be fouled shall continue, after the Expiration of Twenty-four Hours from the Time when Notice of the Offence shall have been served on such Person

by the Local Authority, or by the Person into whose Water such Product, Washing, or other Substance shall be brought or flow, or whose Water shall be fouled thereby, and such Penalty shall be paid to the Local Authority or Person from whom such Notice shall proceed; and all Monies recovered by the Local Authority under this or the preceding Section shall, after Payment of any Damage caused by the Act for which the Penalty is imposed, be applied towards defraying the Expenses of executing this Act.

Offensive Trades to be subject to Regulations.

30. The Business of a Blood Boiler, Bone Boiler, Tanner, Slaughterer of Cattle, Horses, or Animals of any Description, Soap Boiler, Skinner, Tallow Melter, Tripe Boiler, or other Business, Trade, or Manufacture injurious to Health, shall not, after the passing of this Act, be newly established or enlarged in any Building or Place within any Burgh or Village, or within Five hundred Yards therefrom, without the Consent in Writing of the Local Authority previously had and obtained, and published in One or more Newspapers circulating within the District; and if any Question arises under this Section as to the Existence or Limits of a Burgh or Village, or as to the Extent included within the said Five hundred Yards, or as to whether a Business, Trade, or Manufacture, other than those above specified, is injurious to Health, or as to whether such Consent ought to have been given, any such Question shall be finally determined by the Board; and the Party dissatisfied may bring the same before the Board within Twenty-one Days after the Resolution or Order of the Local Authority has been published as aforesaid; and any Person contravening this Enactment shall, in addition to Discontinuance of such Business, Trade, or Manufacture, be liable for each Offence to a Penalty not exceeding Fifty Pounds, and a further Penalty of not exceeding Forty Shillings for each Day during which the Offence is continued; and the Local Authority may from Time to Time make such Byelaws with respect to any such Businesses so newly established as they may think necessary, and in order to prevent or diminish the noxious or injurious Effect thereof.

PART III.

Prevention and Mitigation of Diseases under Order in Council.

Privy Council empowered to issue

31. Whenever any Part of the United Kingdom appears to be threatened with or is affected by any formidable epidemic, endemic, or contagious Disease, the Lords and others of Her Majesty's Most Honourable

Honourable Privy Council, or any Three or more of them (the Lord President of the Council or One of Her Majesty's Principal Secretaries of State being One), may, by Order or Orders by them from Time to Time made, direct that the Provisions for the Prevention of Diseases contained in Part III. hereof be put in force in Scotland, or in such Parts thereof or in such Places therein as in such Order or Orders may be expressed, and may from Time to Time, as to all or any of the Parts or Places to which any such Order or Orders extend, and in like Manner, revoke or renew any such Order; and, subject to Revocation and Renewal as aforesaid, every such Order shall be in force for Six Calendar Months, or for such shorter Period as in such Order shall be expressed; and every such Order of Her Majesty's Privy Council or any Members thereof as aforesaid shall be certified under the Hand of the Clerk in Ordinary of Her Majesty's Privy Council, and shall be published in the Edinburgh Gazette, and such Publication shall be conclusive Evidence of such Order.

Orders for Prevention of Diseases.

32. When any such Order has been issued, the Board shall be vested with the Powers after provided; and it shall be lawful for Her Majesty to appoint the Sheriff of any County in Scotland, other than Renfrew, Perth, or Ross and Cromarty, to be an additional Member of the Board during the Subsistence of such Order, and such Sheriff shall receive such Remuneration as the Commissioners of Her Majesty's Treasury may think proper, not exceeding One hundred and fifty Pounds per Annum, to be paid out of Money to be voted for that Purpose by Parliament; and the Board may also appoint a General or Superintending Medical Officer to act under their Directions during such Period, and such Officer shall receive a Salary to be fixed and paid in like Manner; and the Board may, with the Sanction of the said Commissioners of Her Majesty's Treasury, employ such additional Clerks as may be necessary during such Period; and the Salary of such Clerks and the Office Expenses incurred under this Act shall be defrayed in the same Manner as the general Expenses of the Board are now defrayed.

When Order is issued, Board to be vested with certain Powers.

Power to appoint a Medical Officer and additional Clerks.

33. From Time to Time, after the issuing of any such Order as aforesaid, and whilst the same continues in force, the Board may issue such Directions and Regulations as they shall think fit for the Prevention, as far as possible, or Mitigation of such epidemic, endemic, or contagious Diseases, and from Time to Time may revoke, renew, and alter any such Directions and Regulations; and the same shall extend to all Parts or Places in which the Provisions of this Act for the Prevention and Mitigation of Disease shall, for the

Board may issue Regulations to carry out such Provisions of Order.

Local Extent and Duration of the Regulations of the Board.

the Time being, be put in force under such Orders as aforesaid, unless such Directions and Regulations be expressly confined to some of such Parts or Places, and then to such Parts or Places as therein are specified; and (subject to the Power of Revocation and Alteration herein contained) such Directions and Regulations shall continue in force so long as the said Provisions of this Act shall, under such Order, be applicable to the same Parts or Places; and all such Directions and Regulations shall be published by being inserted in the Edinburgh Gazette, which Publication shall be conclusive Evidence thereof, and may be further published, and may be specially communicated to any Local Authority, by the Secretary of the Board, as the Board may direct.

Publication of Rules and Regulations.

Orders of Council, Directions and Regulations of Board, to be laid before Parliament.

34. Every Order of Her Majesty's Privy Council, and Direction and Regulation of the Board under Part III. of this Act, shall be laid before both Houses of Parliament forthwith upon the issuing thereof, if Parliament be then sitting, and if not then within Fourteen Days next after the Commencement of the then next Session of Parliament.

Matters to be provided for by such Regulations.

35. The Board, by such Directions and Regulations, may provide,

For the speedy Interment of the Dead:

For House to House Visitation:

For the dispensing of Medicines, and for affording to Persons afflicted by or threatened with such epidemic, endemic, or contagious Diseases such Medical Aid and such Accommodation as may be required:

For any such Matters or Things as may to them appear advisable for preventing or mitigating such Diseases:

Local Authority shall execute Regulations, and may direct Prosecution for violating the same.

And the Local Authority shall superintend and see to the Execution of such Directions and Regulations, and shall do and provide all such Acts, Matters, and Things as may be advisable for mitigating such Disease, or for superintending or aiding in the Execution of such Directions and Regulations, or for executing the same, as the Case may require, and may direct any Prosecutions or legal Proceedings for or in respect of the wilful Violation or Neglect of any such Directions and Regulations, and such wilful Violation or Neglect shall be deemed to be an Offence under this Act.

Power for Local Authority, &c. to enter Premises.

36. The Local Authority acting in the Execution of such Directions and Regulations, or the Officers or Persons by them in this Behalf authorized, may enter at reasonable Times in the Daytime and inspect any Premises where they have Ground for believing that any Person has recently died of any such Disease,

or

or that Necessity may otherwise exist for executing in relation to the Premises any of such Directions and Regulations.

When Order in Council in force, overcrowded Houses to come under Common Lodging Houses Provisions.

37. When any such Order in Council is in force in any Place, on the Certificate of a Sanitary Inspector, or of a Medical Officer, or of Two duly qualified Medical Practitioners, or other sufficient Evidence, that any House or Part of a House is so overcrowded as to be dangerous to Health, the Local Authority shall have Power to regulate the same according to the Provisions of this Act in reference to Common Lodging Houses.

Order in Council to extend to Ports and Arms of the Sea.

38. All Orders in Council for executing this Act shall extend to Ports and Arms of the Sea lying within the Jurisdiction of the Admiralty, and adjacent to the Places to which such Orders relate; and the Board may issue, under the said Orders, Directions and Regulations for cleansing, purifying, ventilating, and disinfecting, and preventing Disease in Ships and Vessels, as well upon Arms and Ports of the Sea aforesaid as upon inland Waters.

PART IV.

General Prevention and Mitigation of Disease.

Power to provide Hospitals.

39. The Local Authority may provide within their District Hospitals or temporary Places for the Reception of the Sick, for the Use of the Inhabitants.

Such Authority may build such Hospitals or Places of Reception, provided the Board approve of the Situation and Construction thereof, or they may make Contracts for the Use of any existing Hospital or Part of an Hospital, or for the temporary Use of any Place for the Reception of the Sick.

Such Authority may enter into any Agreement with any Person or Body of Persons having the Management of any Hospital for the Reception of the sick Inhabitants of their District, on Payment by the Local Authority of such annual or other Sum as may be agreed upon.

Two or more contiguous Local Authorities having respectively the Power to provide separate Hospitals may combine in providing a Common Hospital, provided the Board approve of the Situation and Construction thereof, and all Expenses incurred by such Authorities in providing such Hospital shall be deemed to be Expenses incurred by them respectively in carrying into effect the Purposes of this Act, and if any Question shall arise as to the Allocation of Ex-

penses, the same shall be determined by the Board, whose Decision shall be final; and such Common Hospital shall be deemed to be for the Purposes of this Act an Hospital within the District of each of the Local Authorities so combining.

Power to provide Means of Disinfection, and Carriages for Conveyance of infected Persons.

40. The Local Authority in each District may provide a proper Place, with all necessary Apparatus and Attendance, for Disinfection of Woollen or other Articles, Clothing, or Bedding which have become infected, and they may cause any Articles brought for Disinfection to be disinfected free of Charge; and it shall be lawful at all Times for the Local Authority to provide and maintain a Carriage or Carriages suitable for the Conveyance of Persons suffering under any contagious or infectious Disease, and to pay the Expense of conveying any Person therein or otherwise to a Hospital or Place for the Reception of the Sick or to his own Home; and farther, if the Local Authority shall be of opinion, upon the Certificate of any legally qualified Medical Practitioner, that the cleansing and disinfecting of any House or Part thereof, and of any Articles therein likely to retain Infection, would tend to prevent or check contagious or infectious Disease, it shall be the Duty of the Local Authority to give Notice in Writing, requiring the Occupier or Owner of such House or Part thereof to cleanse and disinfect the same; and if the Person to whom Notice is so given fail to comply therewith within the Time specified in the Notice, he shall be liable to a Penalty not exceeding One Pound for every Day during which he continues to make default; and the Local Authority shall cause such House or Part thereof to be cleansed and disinfected, and may recover the Expenses incurred from the Occupier or Owner; and when such Occupier or Owner is from Poverty or otherwise unable, in the Opinion of the Local Authority, effectually to carry out such cleansing and Disinfection, the Local Authority may, at their own Expense, cleanse and disinfect such House or Part thereof, and any such Articles therein.

Local Authority may erect public Water-closets, &c.

41. The Local Authority may erect such public Waterclosets, Privies, and Urinals, and in such Situations, as they may think fit, and may defray the Expense thereof, and of keeping the same in Repair and in good Order, and shall cause such Privies to be cleansed daily; and the Local Authority may also, by written Notice to the Owner or Occupier of any Schoolhouse or of any Factory or Building in which more than Ten Persons are employed at One Time in any Manufacture, Trade, or Business, require them or either of them, within a Time specified, to construct a sufficient Number of Water-closets or Privies for the separate Use of each Sex; and any Person failing

failing to comply with such Notice shall be liable for each Offence in a Penalty not exceeding Twenty Pounds.

Removal of Persons sick of infectious Disorders, and without proper Lodging, in any District.

42. Where a Hospital or Place for the Reception of the Sick is provided or exists within the District of a Local Authority, the Sheriff or any Magistrate or Justice may, on the Application of the Local Authority, with the Consent of the Superintending Body of such Hospital or Place, by Order on a Certificate signed by a legally qualified Medical Practitioner, direct the Removal to such Hospital or Place for the Reception of the Sick, at the Cost of the Local Authority, of any Person suffering from any dangerous, contagious, or infectious Disorder, and being without proper Lodging or Accommodation, or lodged in a Room occupied by others besides those in attendance on such Person, or being on board any Ship or Vessel, or may direct the Removal from the Room occupied by such Person of all others not in attendance on him, the Local Authority providing suitable Accommodation for such other Persons.

Places for the Reception of dead Bodies may be provided at the Public Expense.

43. Any Local Authority may provide a proper Place for the Reception of dead Bodies, and where any such Place has been provided, and any dead Body of One who has died of any infectious Disease is retained in a Room in which Persons live or sleep, or any dead Body which is in such a State as to endanger the Health of the Inmates of the same House or Room is retained in such House or Room, the Sheriff or any Magistrate or Justice may, on a Certificate signed by a legally qualified Medical Practitioner, order by a Writing under his Hand the Body to be removed to such proper Place of Reception at the Cost of the Local Authority, and direct the same to be buried within a Time to be limited in such Order; and unless the Friends or Relations of the Deceased undertake to bury the Body within the Time so limited, and do bury the same, it shall be the Duty of the Local Authority to bury such Body; and it shall also be the Duty of the Local Authority to bury any dead Body found within the District, and which is unclaimed, or which no sufficient Person undertakes to bury; but any Expense so incurred in regard to any such Burial may be recovered by the Local Authority in a summary Manner from any Person legally liable to pay the Expense of such Burial.

Burial of dead Bodies.

In Burghs, &c., the Local Authority may make Regulations as to Lodging Houses, with Consent of the Board.

44. The Local Authority having Jurisdiction under this Act in any Burgh or populous Place containing, according to the Census last taken, a Population of not less than One thousand Inhabitants, may, after Publication of the proposed Regulations in One or more Newspapers circulating in the District for One Month,

Month, make, with Consent of the Board, Regulations for all or any of the following Matters; that is to say,

1. For fixing the Number of Persons who may occupy a House or Part of a House which is let in Lodgings or occupied by Members of more than One Family:
2. For the Registration of Houses thus let or occupied in Lodgings:
3. For the Inspection of such Houses, and the keeping the same in a cleanly and wholesome State:
4. For enforcing therein the Provision of Privy Accommodation, or Watercloset Accommodation, and other Appliances and Means of Cleanliness in proportion to the Number of Lodgings and Occupiers, and the cleansing and Ventilation of the Common Passages and Staircases:
5. For the cleansing and limewhiting at stated Times of such Premises:
6. For the Enforcement of the above Regulations by Penalties not exceeding Forty Shillings for any One Offence, with an additional Penalty not exceeding Twenty Shillings for every Day during which a Default in obeying such Regulations may continue.

Rules as to underground Dwellings.

45. It shall not be lawful to let separately, except as a Warehouse or Storehouse, or to suffer to be occupied as a Dwelling Place, any Cellar whatsoever, or any Vault or underground Room (not being entirely open on one or other of its Sides), which Vault or Room shall be less in Height from the Floor to the Ceiling than Seven Feet, in the Case of Houses built prior to the passing of this Act, or less in Height than Eight Feet in the Case of Houses built subsequently to the passing hereof, or which shall be less than One Third of its Height above the Level of the Street or Ground adjoining the same, or otherwise shall not have Three Feet at least of its Height from the Floor to the Ceiling above the said Level, with an open Area of Two Feet Six Inches wide from the Level of the Floor of such Vault or Room up to the Level of the said Street or Ground, or which shall not have appurtenant thereto the Use of a Watercloset or Privy and Ashpit, or which shall not also have a glazed Window made to open to the full Extent of the Half thereof, the Area of which is not less than Nine Superficial Feet clear of the Frame, and a Fireplace with a Chimney or Flue, or which Vault or underground Room being an inner or back Vault or Cellar let or occupied along with a front Vault or Room, as Part of the same Letting or Occupation, has not a ventilating Flue (unless such inner or back Vault or Room shall be Part of a House built before the passing of this Act),

Act), or which shall not be well and effectually drained by means of a Drain, the uppermost Part of which is One Foot at least below the Level of the Floor of such Vault, Cellar, or Room, after the Local Authority have given Notice to the Owners thereof that the letting of such Cellars, Vaults, or underground Rooms as Dwelling Places is prohibited from that Time forth; and it shall be the Duty of the Local Authority to issue such Notices from Time to Time, as soon as is convenient, until such Notice has been given with respect to every Cellar, Vault, or underground Room occupied as a Dwelling House within the District; and it shall not be lawful, after such Notice, to let or continue to let, or to occupy or suffer to be occupied, separately, as a Dwelling House, any such Cellar, Vault, or underground Room.

Penalty on letting underground Dwellings.

46. Every Person who lets separately, or who knowingly suffers to be occupied for Hire as a Dwelling, any Vault, Cellar, or Room, contrary to the Provisions of this Act, shall be liable to a Penalty not exceeding Twenty Shillings for every Day during which such Vault, Cellar, or Room is so occupied after Conviction of the First Offence.

Cases in which Two Convictions have occurred within Three Months.

47. Where Two Convictions against the Provisions of this Act relating to the overcrowding of any House, or the Occupation of any Cellar, Vault, or underground Room as a separate Dwelling Place, shall have taken place within the Period of Three Months, whether the Person so convicted were or were not the same, it shall be lawful for the Sheriff or any Magistrate or Justice to direct the closing of such Premises for such Time as he may deem necessary, and in the Case of Cellars occupied as aforesaid, to empower the Local Authority to permanently close the same, in such Manner as they may deem fit.

Penalty on Person suffering from infectious Disorder entering public Conveyance without notifying to Driver that he is so suffering.

48. If any Person suffering from any infectious Disorder shall enter, or any Person in charge of a Person so suffering shall place such Person in any Steamboat, Sailing Vessel, Railway Carriage, Stage Coach, Hackney Carriage, or other public Conveyance without previously notifying to the Owner or Person in charge thereof that such Person is so suffering, the Person so contravening this Provision shall, on Conviction thereof before any Sheriff, Magistrate, or Justice, be liable to a Penalty not exceeding Five Pounds; and no Owner or Person in charge of any public Conveyance shall be bound to convey any Person so suffering.

Penalty on any Person, with infectious Dis-

49. Any Person suffering from any infectious Disorder who wilfully exposes himself, without proper Precaution against spreading the

order, exposing himself, or on any Person in charge of such Sufferer causing such Exposure.

the said Disorder, in any Street, public Place, or public Conveyance, and any Person in charge of One so suffering who so exposes the Sufferer, and any Owner or Person in charge of a public Conveyance who does not immediately provide for the Disinfection of his Conveyance after it has, with the Knowledge of such Owner or Person in charge, conveyed any such Sufferer, and any Person who, without previous Disinfection, knowingly gives, lends, sells, transmits, or exposes any Bedding, Clothing, Rags, or other Things which have been exposed to Infection from such Disorders, shall, on Conviction of such Offence before the Sheriff or any Magistrate or Justice, be liable to a Penalty not exceeding Five Pounds: Provided that no Proceedings under this Section shall be taken against Persons transmitting with proper Precautions any such Bedding, Clothing, Rags, or other Things for the Purpose of having the same disinfected.

Penalty on Persons letting Houses in which infected Persons have been lodging.

50. If any Person knowingly lets any House, Room, or Part of a House in which any Person suffering from any infectious Disorder has been to any other Person without having such House, Room, or Part of a House, and all Articles therein liable to retain Infection, disinfected to the Satisfaction of a qualified Medical Practitioner, as testified by a Certificate given by him, and lodged with the Sanitary Inspector or other Person appointed to perform the Duties of Sanitary Inspector, such Person shall be liable to a Penalty not exceeding Twenty Pounds. For the Purposes of this Section the Keeper of an Inn or Hotel shall be deemed to let Part of a House to any Person admitted as a Guest into such Inn or Hotel.

Removal of Manure in Mews, &c.

51. Where Notice has been given by the Local Authority or their Officer or Officers for the periodical Removal of Manure or other refuse Matter from Mews, Stables, or other Premises (whether such Notice shall be by public Announcement in the Locality or otherwise), and subsequent to such Notice the Person or Persons to whom the Manure or other refuse Matter belongs shall not so remove the same, or shall permit a further Accumulation, and shall not continue such periodical Removal at such Intervals as the Local Authority or their Officer or Officers shall direct, he or they shall be liable, without further Notice, to a Penalty of not exceeding Twenty Shillings per Day for every Day during which such Manure or other refuse Matter shall be permitted to accumulate, such Penalty to be recovered in a summary Manner.

Provision as to Ships within the

52. Any Ship lying in any River, Harbour, or other Water shall be subject to the Local Authority of the District within or ex

adverso

adverso of which such River, Harbour, or other Water is situate, and to the Sheriff, Magistrates, and Justices of the Peace having Jurisdiction in such District, and shall be within the Provisions of this Act in the same Manner as if such Ship were a House within such District, and the Master or other Officer in charge of such Ship shall be deemed for the Purposes of this Act to be the Occupier of such Ship; but this Section shall not apply to any Ship belonging to Her Majesty or to any Foreign Government.

Jurisdiction of Local Authority.

53. For the Purposes of this Act, any Ship that is in a Place within Three Miles of the Coasts of Scotland, and not within the District of a Local Authority, shall be deemed to be within the District of such Local Authority as may be prescribed by the Board, and until a Local Authority has been prescribed then of the Local Authority whose District nearest adjoins the Place where such Ship is lying, the Distance being measured in a straight Line.

Provision as to District of Local Authority extending to Places where Ships are lying.

54. Whenever, in compliance with any Regulation of the Board which they may be empowered to make under this Act, any Medical Officer shall perform any Medical Service on board of any Ship, such Medical Officer shall be entitled to charge extra for any such Service, at the general Rate of his Allowance for his Services for the Parish or Place for which he is appointed, and such Charges shall be payable by the Person in charge of the Ship, on behalf of the Owners, together with any reasonable Expenses for the Treatment of the Sick; and if such Services shall be rendered by any Medical Practitioner who is not a Medical Officer, he shall be entitled to charge for any Service rendered on board, with extra Remuneration on account of Distance, at the same Rates as those which he is in the habit of receiving from private Patients of the Class of those attended and treated on Shipboard, to be paid as aforesaid; and in case such Charges be not paid, the Medical Officer or Practitioner may bring an Action against the Person in charge of such Ship for the same, and the Ship, Cargo, and Tackle thereof shall be subject to a Lien for the Amount of such Charges.

Medical Officer of Parish to be allowed to charge for attending Sick on board any Ship, and to be paid by Captain.

55. Any Local Authority may, with the Sanction of the Board, lay down Rules for the Removal to any Hospital to which such Authority are entitled to remove Patients, and for keeping in such Hospital so long as may be necessary, any Persons brought within their District by any Ship who are infected with an infectious Disorder, and they may by such Rules impose any Penalty not exceeding Five Pounds on any Person committing any Offence against the same.

Power to remove to Hospital sick Persons brought by Ships.

Description of Ships within Provisions of 6 G. 4. c. 78., and Power to reduce Penalties imposed. thereby.

56. Every Ship having on board any Person affected with a dangerous or infectious Disorder shall be deemed to be within the Provisions of the Act of the Sixth Year of King George the Fourth, Chapter Seventy-eight, intituled "An Act to repeal the several "Laws relating to Quarantine, and to make other Provisions in "lieu thereof," although such Ship has not commenced the Voyage, or has come from or is bound for some Place in the United Kingdom; and nothing in this Act contained shall interfere with or prevent the Execution of any Orders, Regulations, or Restrictions to be made by the Lords and others of Her Majesty's Privy Council pursuant to the said Act; and any Expenses incurred by any Local Authority in carrying into effect such Orders, Regulations, or Restrictions shall be deemed to be Expenses incurred by them in carrying into effect this Act; and all Penalties imposed by the said Act of the Sixth Year of King George the Fourth, Chapter Seventy-eight, may be reduced by the Justices or Court having Jurisdiction in respect of such Penalties to such Sum as the Justices or Court think just.

Power to defray Cost of Vaccination in certain Cases.

57. The Local Authority may defray the Cost of vaccinating such Persons as to them may seem expedient, not being Paupers or the Children of Paupers, or Persons ordered to be vaccinated in Terms of the Eighteenth Section of the Act Twenty-six and Twenty-seven Victoria, Chapter One hundred and eight.

Power to provide Grounds for public Recreation.

58. The Local Authority may provide, maintain, lay out, and improve Grounds for public Recreation, and support or contribute towards any Premises provided for such Purposes by any Person whomsoever.

PART V.

Regulation of Common Lodging Houses.

Common Lodging Houses to be registered.

59. The Local Authority shall cause a Register to be kept, in which shall be entered the Names and Residences of the Keepers of all Common Lodging Houses within the District of the Local Authority, and the Situation of every such House, and the Number of Lodgers authorized according to this Act to be kept therein, and in each Apartment thereof; and the Local Authority may refuse to register as the Keeper of a Common Lodging House any Person who does not produce to the Local Authority a Certificate of Character,

Character, in such Form as the Local Authority shall direct, signed by Three Inhabitant Householders of the Parish respectively assessed for the Relief of the Poor of the Parish within which such Lodging House is situate; and the Local Authority may, from Time to Time, on the Approval of the Board, raise or diminish the Sum payable per Night, according to which, as herein-before mentioned, it is ascertained whether a House or Part thereof is a Common Lodging House, but so as not to exceed Sixpence per Night.

No Lodger to be received in Common Lodging House till it has been inspected and registered.

60. From and after the Date when this Act shall come into operation, it shall not be lawful to keep or use as a Common Lodging House any House, not being a Licensed Victualling House, or to receive or retain any Lodgers therein, unless such House shall have been inspected and approved for that Purpose by the Inspector of Common Lodging Houses for the District, and shall have been registered as by this Act provided; and if any Person shall contravene this Enactment he shall be guilty of an Offence under this Act.

Evidence of Register.

61. A Copy of an Entry made in a Register kept under this Act, purporting to be certified by the Person having the Charge of such Register to be a true Copy, shall be received in all Courts and on all Occasions whatsoever as Evidence, and shall be primâ facie Proof of all Things therein registered, without the Production of the Register, or of any Document, Act, or Thing on which the Entry is founded, or Proof of the Signature; and every Person applying at a reasonable Time shall be furnished by the Person having such Charge with a certified Copy of any such Entry for Payment of Twopence.

Power to Local Authority to make Rules and Regulations respecting Common Lodging Houses, to take effect when confirmed by the Board.

62. The Local Authority may from Time to Time make Rules and Regulations respecting Common Lodging Houses within its Jurisdiction, for the well ordering of such Houses, and for the Separation of the Sexes therein, and for fixing the Number of Lodgers which may be received in each such House, and in each Room therein, and for promoting the Cleanliness and Ventilation of such Houses, and with respect to the Inspection thereof, and the Conditions and Restrictions under which such Inspection may be made; and the said Local Authority may, by any such Rules and Regulations, impose upon Offenders against the same such reasonable Penalties as they shall think fit, not exceeding the Sum of Five Pounds for each Offence, and in the Case of a continuing Offence a further Penalty not exceeding the Sum of Forty Shillings for each Day after written Notice of the Offence from the said Local Authority;

and the said Local Authority may alter or repeal any such Rules and Regulations: Provided always, that all such Rules and Regulations imposing any Penalty shall be so framed as to allow of the Recovery of any Sum less than the full Amount of the Penalty: Provided also, that such Rules and Regulations shall not be of any Force or Effect until the same be submitted to and confirmed by the Board, who are hereby empowered to confirm or disallow the same as they may think proper: Provided further, that no such Rules and Regulations shall be confirmed unless Notice of the Intention to apply for Confirmation of the same shall have been given in One or more of the public Newspapers usually circulated within the Parish or Place to which such Byelaws relate One Month at least before the making of such Application; and for One Month at least before any such Application a Copy of the proposed Rules and Regulations, in Writing, signed by the Chairman of the Meeting at which they were made, shall be kept at the Office or usual Place of Meeting of the Local Authority, and be open during Business Hours thereat for the Inspection of Parties assessed to the Relief of the Poor in such Parish or Place, without Fee, and the Local Authority shall cause every such Party assessed as aforesaid who shall apply for the same to be furnished with a Copy thereof, on Payment of Sixpence for every One hundred Words contained in such Copy.

Such Rules and Regulations, when confirmed, to be printed, and furnished gratis to Keepers of Common Lodging Houses.

63. All such Rules and Regulations made by the Local Authority in pursuance of this Act shall, when confirmed as aforesaid, be printed, and hung up in the Office or usual Place of Meeting of the said Local Authority, and Copies thereof shall be furnished gratis to every Keeper of a Common Lodging House, and such Keeper shall be bound to keep a Copy thereof hung up in some conspicuous Place in each Room in which Lodgers are received, and Copies shall also be furnished to any Party assessed as aforesaid, upon Application, and Payment of One Penny each for the same; and a Copy of such Rules and Regulations, purporting to be signed by the Secretary of the Board, shall be received in Evidence of such Regulations, and of the duly making and confirming thereof, without Proof of the Signature.

Power to Local Authority to require an additional Supply of Water to Common Lodging Houses.

64. Where it appears to the Local Authority that a Common Lodging House is without a proper Supply of Water for the Use of the Lodgers, and that such a Supply can be furnished thereto at a reasonable Rate, the Local Authority may, by Notice in Writing, require the Owner or Keeper of the Common Lodging House, within a Time specified therein, to obtain such Supply, and to execute all Works necessary for that Purpose; and if such Notice be not complied

plied with accordingly, the Local Authority may remove the Common Lodging House from the Register until it be complied with.

Power to Local Authority to order Reports from Keepers of Common Lodging Houses.

65. The Keeper of a Common Lodging House shall from Time to Time, if required by any Order of the Local Authority served on such Keeper, report to the Local Authority, or to such Person or Persons as the said Local Authority shall direct, every Person who resorted to such House during the preceding Day or Night, and for that Purpose Schedules shall be furnished by the Local Authority to the Persons so ordered to report, which Schedules they shall fill up with the Information required, and transmit to the Local Authority.

Local Authority may remove sick Persons from Common Lodging Houses to Hospitals &c.

66. When a Person in a Common Lodging House is ill of Fever or any infectious or contagious Disease, the Local Authority may cause such Person to be removed to a Hospital or Infirmary, with the Consent of the Authorities thereof, where different from the Local Authority, and on the Certificate of the Medical Officer of the Parish, or of any qualified Medical Practitioner, that the Disease is infectious or contagious, and that the Patient may be safely removed; and the Local Authority may, so far as they think requisite for preventing the Spread of Disease, cause any Clothes or Bedding used by such Person to be disinfected or destroyed, and may pay to the Owners of the Clothes and Bedding so disinfected or destroyed reasonable Compensation for the Injury or Destruction thereof; the Amount of such Compensation being first certified in Writing upon a List of such Articles.

As to giving Notice of Fever, &c. occurring in Common Lodging Houses.

67. The Keeper of a Common Lodging House shall, when a Person in such House is ill of Fever or any infectious or contagious Disease, give immediate Notice thereof either to the Medical Officer or to the Inspector of Common Lodging Houses, or the Inspector of the Poor of the Parish in which such Common Lodging House is situated, who shall forthwith inform the Local Authority and the Medical Officer that such Notice has been received, and thereupon the Medical Officer shall forthwith visit and report on the Case.

As to Inspection of Common Lodging Houses.

68. The Keeper of a Common Lodging House shall, at all Times when required by any Officer of the Local Authority, give him free Access to such House and every Part thereof.

As to cleansing of Common Lodging Houses.

69. The Keeper of a Common Lodging House shall thoroughly cleanse all the Rooms, Passages, Stairs, Floors, Windows, Doors, Wall, Ceilings, Privies, Ashpits, Cesspools, and Drains thereof, to the Satisfaction of the Inspector, and so often as shall be required

by or in accordance with any Regulation of the Local Authority, and shall well and sufficiently, and to the like Satisfaction, lime-wash the Walls and Ceilings thereof in the First Week of each of the Months of April and October in every Year, and at such other Times as the Local Authority may by Special Order appoint or direct.

Conviction for Third Offence, &c. to disqualify Persons from keeping Common Lodging Houses.

70. Where a Keeper of a Common Lodging House is convicted of a Third or any subsequent Offence under this Act, it may be adjudged as the Punishment or Part of the Punishment for such Offence that he shall not, at any Time within Five Years, or any shorter Period after such Conviction, keep or have or act in the Care or Management of a Common Lodging House, without the previous Licence in Writing of the Local Authority, which Licence the Local Authority may withhold, or may grant on such Terms and Conditions as they think fit.

PART VI.

Sewers, Drains, and Water Supply.

Sewers to be vested in Local Authority.

71. All Sewers presently existing within a District, and not being private Property, or not being and continuing under the Management of Persons appointed by the Crown or by Act of Parliament, shall be vested in the Local Authority: Provided always, that nothing in this Act contained shall affect the Rights of any Person or Persons to the Property or Management of any Sewers in virtue of any existing Local or General Police Statute.

Power to purchase Sewers.

72. The Local Authority may, in Terms of the Lands Clauses Acts, acquire the Rights and Powers vested in any Person to make Sewers, or to use any Sewer, with or without the Buildings and other Things thereto pertaining; provided that they shall make Compensation for the Rights so acquired, and shall also make Compensation to the Proprietors and Occupiers of any Lands and Heritages which may be damaged by reason of the Exercise of the Powers hereby conferred, in Terms of the said last-mentioned Acts.

Power to make Sewers.

73. The Local Authority shall have Power to construct within their District, and also when necessary for the Purpose of Outfall or Distribution of Sewage, without their District, such Sewers as they may think necessary for keeping their District properly cleansed

cleansed and drained, and may carry such Sewers through, across, or under any Turnpike or other Road, or any Street or Place, or under any Cellar or Vault which may be under the Foot Pavement or Carriageway of any Street or Road, and after reasonable Notice in Writing (if upon the Report of Surveyor it should appear to be necessary), into, through, or under any Lands whatsoever; and from Time to Time to enlarge, lessen, alter, arch over or otherwise improve, or to close up or destroy all Sewers vested in them, provided no Nuisance is created by such Operations; and if any Person is thereby deprived of the lawful Use of any Sewer, the Local Authority shall provide another sufficiently effectual for his Use. The Local Authority shall cause their Sewers to be so constructed, kept, and cleansed as not to be a Nuisance, and for the Purpose of cleansing and emptying them, may construct and place, either above or under Ground, such Reservoirs, Sluices, Engines, or other Works as may be necessary, and may cause such Sewers to communicate with and be emptied into such Places as may be fit and necessary, either within their District, or if necessary for the Purpose of Outfall or Distribution of Sewage, without their District, and to cause the Sewage and Refuse therefrom to be collected for Sale or for any Purpose whatsoever, but so as not to create a Nuisance.

Sewers to be cleansed.

74. The Local Authority may from Time to Time, for the Purpose of utilizing Sewage, agree with any Person as to the Supply of such Sewage or the Distribution thereof over Land, and as to the Works to be made for the Purpose of such Supply or Distribution, and as to the Parties to execute the same and to bear the Costs thereof, and as to the Sums of Money, if any, to be paid for that Supply; provided that no Contract shall be made for the Supply of Sewage for a Period exceeding Five Years, unless with the Authority of the Board, and not for any Period exceeding Twenty-five Years; and the Local Authority may contract for, purchase, or take on Lease any Lands, Buildings, Engines, Materials, or Apparatus for the Purpose of receiving, storing, disinfecting, or distributing Sewage.

Powers of utilizing Sewage.

75. In case it shall become necessary to enter, examine, or lay open any Lands or Premises for the Purpose of making Plans, surveying, measuring, taking Levels, examining Works, ascertaining the Course of Sewers or Drains, making or repairing, altering or enlarging Sewers or Drains, or other Purposes ancillary to the Powers herein given as to Sewers and Drains, and the Owner or Occupier of Premises refuses or withholds Access and Leave to perform the said Operations, the Local Authority may apply to the Sheriff, who, if no sufficient Cause be shown to the contrary, shall grant Warrant to the Local Authority, their Officers and others thereby authorized

Power of Entry.

authorized, to enter and do all or any of the Works or Operations foresaid.

Formation of Special Drainage District.

76. Upon Requisition to that Effect made in Writing by not fewer than Ten Inhabitants of the District, the Local Authority shall be bound to meet, after Twenty-one clear Days Notice, and shall consider the Propriety of forming Part of their District into a Special Drainage District, and the Resolution of the Local Authority at such Meeting shall be published in One or more Newspapers circulating in the District; and the Production of such Newspaper, or a Certificate under the Hand of the Chairman or acting Clerk of the Local Authority (whose Signature need not be proved), shall be sufficient Evidence of such Resolution; and within Ten Days after the Date of such Resolution it shall be competent for any Person interested to appeal against the Resolution to the Sheriff, and the Sheriff, not being a Sheriff Substitute resident within the District, may either approve or disapprove of such Resolution, and if he disapproves thereof he may either find that no Special Drainage District should be formed, or may enlarge or limit the Special District as defined by the Resolution of the Local Authority, or may find that a Special Drainage District should be formed and may define the Limits thereof; and the Decision of the Sheriff shall be binding upon the Local Authority, and shall be final, except where it is pronounced by a Sheriff Substitute, in which Case it may be appealed to the Sheriff.

Power to drain into Sewers of Local Authority.

77. Any Owner or Occupier of Premises within the District of a Local Authority liable for General or Special Sewerage or Drainage Assessment shall be entitled to cause his Drains to empty into the Sewers of such Local Authority, on condition of his giving Twenty Days previous Notice of his Intention so to do to the Local Authority, and of complying with their Regulations in respect of the Mode in which the Communications between such Drains and Sewers are to be made, and subject to the Control of any Person who may be appointed by the Local Authority to superintend the making of such Communications.

Use of Sewers by Persons beyond District.

78. Any Owner or Occupier of Premises beyond the Limits of the District of a Local Authority or within said Limits who is not liable for General or Special Sewerage or Drainage Assessment may cause any Sewer or Drain from such Premises to communicate with any Sewer of the Local Authority, upon such Terms and Conditions as may be agreed upon between such Owner or Occupier and such Local Authority, or in case of Dispute, shall be settled by the Sheriff.

79. Every

Penalty for making unauthorized Drains.

79. Every Person not being authorized by the Local Authority, who shall make any Drain into any Sewer vested in the Local Authority, shall be liable in a Penalty not exceeding Five Pounds besides shutting up said Drain or paying the Expense of shutting it up.

Estimates for Work.

80. Before entering into any Contract for executing any such Work as herein-before or after mentioned, falling under Part VI. of this Act, or connected with Sewage or Drainage, if the Expense thereof may exceed Thirty Pounds, the Local Authority shall procure from a Surveyor an Estimate of the probable Expense of constructing the same in a substantial Manner, and of the yearly Expense of maintaining the same in repair; and such Surveyor shall accompany such Estimate with a Report as to the most advantageous Mode of constructing such Work, whether under a Contract for constructing the same merely, or a Contract for constructing the same and maintaining it in repair during a given Term of Years.

Not to build over Sewers.

81. Unless with Consent of the Local Authority no Building shall be erected over any Sewer belonging to the Local Authority, and no Vault, Arch, or Cellar shall be made so as to interfere with any such Sewer.

Sewers to be trapped.

82. All Sewers and Drains, whether public or private, shall be provided by the Persons to whom they severally belong, with proper Traps or other Coverings or Means of Ventilation, so as to prevent Stench or deleterious Exhalation.

Distilleries, &c. to deposit Refuse.

83. The Owners or Occupiers of Distilleries, Manufactories, and other Works shall be compelled, where possible, to dig, make, and construct Pools or Reservoirs within their own Ground, or as near their Works as possible, for receiving and depositing the Refuse of such Works, so far as offensive or injurious to the Health of those living in the Vicinity thereof, or to use the best practical Means for rendering the same inoffensive or innoxious before discharging it into any River, Stream, Ditch, Sewer, or other Channel.

Drain discharging below High-water Mark.

84. If the Local Authority shall consider it necessary for Public Health that any Drain should discharge itself below High-water Mark, they shall be entitled, with the Consent of the Board of Trade, to construct the requisite Works for that Purpose.

As to the Drainage of Houses.

85. If a Dwelling House, Distillery, Manufactory, or other Work, or any Erection, or Enclosure for the keeping of Live Stock within the District of a Local Authority is without a Drain, or without such Drain as is sufficient for effectual Drainage, the

Local Authority may, by Notice, require the Owner of such House, Distillery, Manufactory, Work, Erection, or Enclosure, within a reasonable Time therein specified, to make a sufficient Drain emptying into any Sewer which the Local Authority are entitled to use, and with which the Owner is entitled to make a Communication, so that such Sewer be not more than One hundred Feet from the Site of the said Premises of such Owner; but if no such Means of Drainage are within that Distance, then emptying into such covered Cesspool or other Place, not being under any House, as the Local Authority may direct; and if the Person on whom such Notice is served fails to comply with the same, the Local Authority may, at the Expiration of the Time specified in the Notice, do the Work required, and the Expenses incurred by them in so doing may be recovered from such Owner in a summary Manner.

Power of borrowing for Sewers.

86. It shall be lawful for the Local Authority to borrow for the Purpose of making, enlarging, or constructing Sewers, and on the Security of the after-mentioned Special Sewer Assessments, where such exist, and General Assessments, or either of them, such Sums of Money, and at such Times, as the Local Authority shall deem necessary for that Purpose, and to assign the said Special Sewer Assessments and General Assessments or any of them in Security of the Money to be so borrowed; and the Bonds to be granted on such borrowing and Transferences or Assignations and Discharges thereof may be in or near to the Forms contained in the Schedule hereto annexed, and such Bonds shall be signed by the Chairman and Two Members of the Local Authority, and shall constitute a Lien over the Special Sewer Assessments and General Assessments thereby assigned, and shall entitle the Creditors therein to recover the Sums thereby due from the Local Authority out of the first and readiest of the said Special and General Assessments; but no Member or Officer of the Local Authority shall be personally liable for the Repayment of such Money so borrowed, and all such Obligations shall be deemed and taken to be granted on the sole Security of the Assessments assigned; and the Money so borrowed shall be repayable either in One Sum or by Instalments as may be arranged between the Local Authority and the Lender, but so that the same shall be wholly repaid, together with the accruing Interest, within Thirty Years from the Date of the Loan, but the Amount of such Loans, including Interest, shall form a Charge against the Assessments of the Years intervening between the Date of such Loans and the Date of full Repayment in equal Proportions; and the Money so borrowed as aforesaid shall be applied wholly in defraying the Expense of making, enlarging, and re-constructing Sewers, and to no other Purpose whatsoever.

87. Two

Local Authorities may combine.

87. Two or more Local Authorities may, with the Sanction of the Board, combine together for the Purpose of executing and maintaining any Works by this Act authorized in regard to Sewerage or Drainage that may be for the Benefit of their respective Districts; and all Monies which they may agree to contribute for the Execution and Maintenance of such common Works shall, in the Case of each Local Authority, be deemed to be Expenses incurred by them in the Execution of Works within their District.

Supply of Water for Burghs above 10,000.

88. With respect to Burghs having a Population of Ten thousand or upwards according to the Census last taken, or having a Local Act for Police Purposes, it shall be lawful for the Local Authority, if they think it expedient so to do, to contract or arrange with any Water Company established by Act of Parliament for a Supply of Water, or where there is no such Company, themselves to provide a Supply of Water, to such Extent as may be necessary for the sanitary and other public Purposes of this Act herein-before provided.

Supply of Water for Burghs under 10,000.

89. With respect to the Improvement of Burghs having a Population of less than Ten thousand, according to the Census last taken, and not having a Local Act for Police Purposes; and with respect to Parishes,—

(1.) The Local Authority, if they think it expedient so to do, may acquire and provide or arrange for a Supply of Water for the domestic Use of the Inhabitants, and for that Purpose may conduct Water from any Lake, River, or Stream, may dig Wells, make and maintain Reservoirs, may purchase, take upon Lease, hire, construct, lay down, and maintain such Waterworks, Pipes, and Premises, and do and execute all such Works, Matters, and Things as shall be necessary and proper for the aforesaid Purpose, and may themselves furnish a Supply of Water, or contract or arrange with any other Person to furnish the same; and for the Purposes aforesaid the Local Authority shall be held to have all the Powers and Rights given to Promoters of Undertakings by the Lands Clauses Acts: Provided always, that they shall make reasonable Compensation for the Water so taken by them, and for the Damage which may be done to any Lands by reason of the Exercise of the Powers hereby conferred in Terms of the said Acts; and further, that for the Purposes of this Act the Words "Lands" and "Land" in the said Acts and in this Act shall include "Water" and the Right thereto: Provided also

also, that it shall not be lawful for the Local Authority to provide or supply Water in any Burgh, Parish, or District which any Company, established by Act of Parliament, is authorized to supply with Water, unless the Local Authority shall previously have purchased or acquired the Undertaking of such Company :

House without Supply of Water.

(2.) If any House within the District is without a proper Supply of Water at or near the same, the Local Authority shall compel the Owner to obtain such Supply, and to do all such Works as may be necessary for that Purpose :

Water for Baths, &c.

(3.) The Local Authority, if they have any surplus Water after fully supplying what is required for domestic Purposes, may supply Water from such Surplus to any public Baths and Wash-houses, or for trading or manufacturing Purposes, on such Terms and Conditions as may be agreed on between the Local Authority and the Persons desirous of being so supplied : Provided, that when Water is thus supplied from such Surplus, it shall not be lawful for the Local Authority to charge the Parties obtaining the same both with the Special Water Assessment and also for the Supply of Water obtained by them ; but the Local Authority may either charge the Special Water Assessment leviable on such Premises, or charge for the Supply of Water furnished to the same, as they shall think fit :

Cisterns, &c. to be supplied with Water.

(4.) The Local Authority may cause all existing public Cisterns, Pumps, Wells, Reservoirs, Conduits, Aqueducts, and Works used for the gratuitous Supply of Water to the Inhabitants, to be continued, maintained, and plentifully supplied with Water, and may, if they shall think fit, provide and gratuitously supply Water for any public Baths or Wash-houses established otherwise than for private Profit or supported out of any Burgh Rates :

Special Water Supply District.

(5.) Upon Requisition to that Effect made in Writing by not fewer than Ten Inhabitants of the District, the Local Authority shall be bound to meet, after Twenty-one clear Days Notice, and shall consider the Propriety of forming Part of their District into a Special Water Supply District, and the Resolution of the Local Authority at such Meeting shall be published in One or more Newspapers circulating in the District ; and the Production of such Newspaper, or a Certificate under the Hand of the Chairman or acting Clerk of the Local Authority (whose Signature need not be proved), shall be sufficient Evidence of such Resolution ; and within Ten Days after the Date of such Resolution it shall be competent for any Person interested to appeal against

against the same to the Sheriff; and the Sheriff, not being a Sheriff Substitute resident within the District, may either approve or disapprove of such Resolution; and if he disapproves thereof he may either find that no Special Water Supply District should be formed, or may enlarge or limit the Special District as defined by the Resolution of the Local Authority, or may find that a Special Water Supply District should be formed, and may define the Limits thereof; and the Decision of the Sheriff shall be binding upon the Local Authority, and shall be final, except where it is pronounced by a Sheriff Substitute, in which Case it may be appealed to the Sheriff:

Power to borrow for Water Supply.

(6.) It shall be lawful for the Local Authority to borrow for the Purpose of constructing, purchasing, enlarging, or reconstructing such Works as are herein authorized for providing a Supply of Water for the Use of the Inhabitants of the District, or for the Purpose of entering into and implementing any Contract or Arrangement with any Person for such Supply, and on the Security of the after-mentioned Special Water Assessments, where such exist, and of General Assessments, or either of them, such Sums of Money, and at such Times as the Local Authority shall deem necessary for that Purpose, and to assign the said Special Water Assessments and General Assessments or either of them in Security of the Money to be so borrowed; and the Bonds to be granted on such borrowing and Transferences or Assignations and Discharges thereof may be in or near to the Forms contained in the Schedule hereto annexed; and such Bonds shall constitute a Lien over the Assessments thereby assigned, and shall entitle the Creditors therein to recover the Sums thereby due from the Local Authority out of the first and readiest of the said Assessments; but no Member or Officer of the Local Authority shall be personally liable for the Repayment of such Money so borrowed, and all such Obligations shall be deemed and taken to be granted on the sole Security of the Assessments thereby assigned, and the Money so borrowed shall be repayable either in One Sum or by Instalments as may be arranged between the Local Authority and the Lender, but so that the same shall be wholly repaid, together with the accruing Interest, within Thirty Years from the Date of the Loan; but the Amount of such Loans, including Interest, shall form a Charge against the Assessments of the Years intervening between the Date of such Loans and the Date of full Repayment,

in equal Proportions; and the Money so borrowed as aforesaid shall be applied wholly in defraying the Expense of purchasing, making, enlarging, and re-constructing such Works, and to no other Purpose whatsoever.

Regulations as to the Purchase of Land, &c.

90. The following Regulations shall be observed with respect to the Purchase and taking of Land otherwise than by Agreement by Local Authorities for the Purposes of this Act:—

(1.) The Local Authority before putting in force any of the Powers of the said Lands Clauses Acts with respect to the Purchase and taking of Land shall

Publication of Notices.

Publish once at the least, in each of Three consecutive Weeks in the Month of November in some Newspaper circulated in the District or some Part of the District within which such Local Authority has Jurisdiction is situate, an Advertisement describing shortly the Purpose for which the Land is proposed to be taken, naming a Place where a Plan of the proposed Works may be seen at all reasonable Hours, and stating the Quantity of Land that they require; and shall further in the Month of December

Service of Notices

Serve a Notice in manner herein-after mentioned on every Owner or reputed Owner, Lessee or reputed Lessee, and Occupier of such Land, defining in each Case the particular Land intended to be taken, and requiring an Answer, stating whether the Person so served assents, dissents, or is neuter in respect of taking such Land; such Notice to be served

By delivery of the same personally to the Party on whom it is required to be served, or, if such Party is absent abroad, to his Agent; or

By leaving the same at the usual or last known Place of Abode of such Party as aforesaid; or

By forwarding the same by Post, in a Registered Letter addressed to the usual or last known Place of Abode of such Party:

Power to Local Board to petition Secretary of State upon Matters herein stated.

(2.) Upon compliance with the Provisions herein-before contained with respect to Advertisements and Notices, the Local Authority may, if they shall think fit, present a Petition to One of Her Majesty's Principal Secretaries of State; the Petition shall state the Land intended to be taken, and the Purposes for which it is required, and the Names of the Owners, Lessees, and Occupiers of Land who have assented, dissented, or are neuter in respect of the taking such Land, or who have returned no Answer to the Notice;

it

it shall pray that the Local Authority may, with reference to such Land, be allowed to put in force the Powers of the said Lands Clauses Acts with respect to the Purchase and taking of Land otherwise than by Agreement, and such Prayer shall be supported by such Evidence as the Secretary of State requires:

Secretary of State may direct Inquiry;

(3.) Upon the Receipt of such Petition, and upon due Proof of the proper Advertisements having been published and Notices served, the Secretary of State shall take such Petition into consideration, and may either dismiss the same or direct an Inquiry in the District in which the Land is situate, or otherwise inquire as to the Propriety of assenting to the Prayer of such Petition; but until such Inquiry has been made in the District, after such Notice as may be directed by the Secretary of State, no Provisional Order shall be made affecting any Land without the Consent of the Owners, Lessees, and Occupiers thereof:

and may make Provisional Order.

(4.) After the Completion of the Inquiry as last aforesaid, the Secretary of State may, by Provisional Order, empower the Local Authority to put in force, with reference to the Land referred to in such Order, the Powers of the said Lands Clauses Acts, with respect to the Purchase and taking of Land otherwise than by Agreement, or any of them, and either absolutely or with such Conditions and Modifications as he may think fit, and it shall be the Duty of the Local Authority to serve a Copy of any Order so made, in the Manner and upon the Person in which and upon whom Notices in respect of such Land are hereinbefore required to be served:

No Provisional Order valid until confirmed by Parliament.

(5.) No provisional Order so made shall be of any Validity unless the same has been confirmed by Act of Parliament, and it shall be lawful for the Secretary of State, as soon as conveniently may be, to obtain such Confirmation, and the Act confirming such Order shall be deemed to be a Public General Act of Parliament:

Costs how to be defrayed.

(6.) All Costs, Charges, and Expenses incurred by the said Secretary of State in relation to any such Provisional Order as last aforesaid shall, to such Amount as the Commissioners of Her Majesty's Treasury think proper to direct, become a Charge upon the Assessment or Special Water Supply Assessment levied in the District or Special Water Supply District, as the Case may be, to which such Order relates,

and be repaid to the said Commissioners of Her Majesty's Treasury by annual Instalments not exceeding Five, together with Interest after the yearly Rate of Five Pounds in the Hundred, to be computed from the Date of any such last-mentioned Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid.

Loans from Public Works Loan Commissioners.

91. The Public Works Loan Commissioners as defined by "The Public Works Loan Act, 1853," may advance to the Commissioners mentioned in the One hundred and ninety-sixth Section of "The Police and Improvement (Scotland) Act, 1862," for the Purposes mentioned in that Section, and upon the Security therein mentioned, and to any Local Authority for the Purposes mentioned in Part VI. of this Act, such Sums of Money as may be recommended by One of Her Majesty's Principal Secretaries of State.

Execution and Maintenance of Works as to Water Supply.

92. Two or more Local Authorities may, combine together for the Purpose of executing and maintaining any Works by this Act authorized in regard to Water Supply that may be for the Benefit of their respective Districts; and all Monies which they may agree to contribute for the Execution and Maintenance of such Common Works shall, in the Case of each Local Authority, be deemed to be Expenses incurred by them in the Execution of Works within their District.

PART VII.

Assessments.

Special Drainage Assessment.

93. Where any Special Drainage District has been formed as herein-before provided, the Expense of the Sewerage and Drainage incurred by the Local Authority within the same, or for the Purposes thereof, and the Sums necessary for Payment as before mentioned of any Money borrowed for Sewerage Purposes as herein-before provided, shall be paid out of a Special Assessment, which the Local Authority shall raise and levy on and within such Special District, in the same Manner and with the same Remedies and Modes of Recovery as are herein provided for the District of the Local Authority.

94. With

Assessments in Burghs under 10,000.

94. With respect to Burghs having a Population of less than Ten thousand, according to the Census last taken, and not having a Local Act for Police Purposes, and with respect to Parishes:

Special Water Supply Assessment.

(1.) Where any Special Water Supply District has been formed as herein-before provided, the Expense incurred for Water Supply within the same, or for the Purposes thereof, and the Sums necessary for Payment as before mentioned of any Money borrowed for Water Supply Purposes, as herein-before provided, shall be paid out of a Special Assessment which the Local Authority shall raise and levy on or within such Special District, in the same Manner and with the same Remedies and Modes of Recovery as are herein provided for the District of the Local Authority:

Assessment for general Expenses incurred in executing this Act.

(2.) All Charges and Expenses incurred by the Local Authority in executing this Act or any of the Acts hereby repealed, and not recovered as herein-before or after provided, may be defrayed out of an Assessment to be levied by the Local Authority along with but as a separate Assessment from any one of the Assessments herein-after mentioned in this Section, that is to say, the said Assessment shall be assessed, levied, and recovered in like Manner and under like Powers, (which Powers are hereby given and are declared to extend over the whole and every Part of the District of the Local Authority,) as—

The Prison Assessment or Police Assessment, as the Local Authority shall resolve, where the Local Authority is a Town Council or Police Commissioners, or Trustees acting as Police Commissioners; or if there be no Prison or Police Assessment, an Assessment levied in like Manner as is herein-after authorized, where the Local Authority is a Parochial Board:

The Assessment for the Relief of the Poor, where the Local Authority is a Parochial Board, or where there is no such Assessment, by an Assessment levied in such Manner as an Assessment might have been levied for the Relief of the Poor:

Provided always, that where the Local Authority is a Town Council or Police Commissioners, or Trustees acting as Police Commissioners, or where a Parochial Board is the Local Authority in a District, including, as well as the Landward Part of a Parish, a Burgh or Town having a Town Council or Police Commissioners or Trustees acting as Police Commissioners, the annual Value of the following

Lands or Premises shall for the whole Assessments under this Act be held to be the nearest aggregate Sum of Pounds Sterling to One Fourth of the annual Value thereof entered in the Valuation Roll, made up and completed in Terms of the Acts in force for the Valuation of Lands and Heritages in Scotland; viz.,

1. All Lands and Premises used exclusively as a Canal or Basin of a Canal, or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, excepting the Stations, Depôts, Wharfs, and Buildings, which shall be assessable on their full annual Value:

2. All the underground Water Pipes, or underground Works of any Water Company:

3. All Woodland, Arable, Meadow, or Pasture Land, or other Land used for agricultural Purposes:

4. All Mines, Minerals, and Quarries:

And in the event of any Dispute arising as to the Lands and Premises falling under the above Exceptions, it shall be lawful to the Owner or Occupier of such Lands and Premises to present a Petition to the Sheriff, praying to have the same declared for the Time being liable to Assessment upon the said Proportion of their Value only, and the Sheriff shall thereupon order the Petition to be served on the Local Authority upon a short Induciæ, and after hearing Parties and taking such Evidence as he shall think necessary, shall pronounce such Judgment as to him shall seem just and right, and which Judgment shall be final, except that where pronounced by a Sheriff Substitute it shall be subject to Appeal to the Sheriff: Provided also, that where a Special Drainage District has been formed as herein-before provided, and the Drainage Works therein have been executed and are maintained under the Authority of this Act, the Lands and Premises situated within such Special District shall not be liable to Assessment for the Expense of making Sewers and Drainage Works in other Parts of the District of the Local Authority; and where a Special Water Supply District has been formed, as herein-before provided, and a sufficient Supply of Water has been obtained and is maintained therein, under the Authority of this Act, the Lands and Premises situated within such Special Water Supply District shall not be liable

liable to Assessment for the Expense of supplying Water for other Parts of the District of the Local Authority:

(3.) The Assessments specified in this and the preceding Section shall not in any Year exceed the Rate of One Shilling and Threepence in the Pound where the Enactments with respect to Water for the domestic Use of the Inhabitants have been put in force, or the Rate of Threepence in the Pound where such Enactments have not been put in force.

Assessments in Burghs above 10,000, &c.

95. With respect to Burghs having a Population of Ten thousand or upwards, according to the Census last taken, or having a Local Act for Police Purposes, all Charges and Expenses incurred by the Local Authority in executing this Act or any of the Acts hereby repealed, and not recovered as herein-before provided, may be defrayed out of an Assessment to be levied by the Local Authority along with but as a separate Assessment from any other Assessment which they may be entitled to levy; that is to say, the said Assessment shall be assessed, levied, and recovered in like Manner and under the like Powers (which Powers are hereby given and are declared to extend over the whole and every Part of the District of the Local Authority), as

The Prison Assessment or Police Assessment, as the Local Authority shall resolve where the Local Authority is a Town Council, or Police Commissioners, or Trustees acting as Police Commissioners; or if there be no Prison or Police Assessment, an Assessment levied in like Manner as is herein-after authorized where the Local Authority is a Parochial Board:

The Assessment for the Relief of the Poor where the Local Authority is a Parochial Board, or where there is no such Assessment, by an Assessment levied in such Manner as an Assessment might have been levied for the Relief of the Poor:

Provided always, that such Assessment shall not in any Year exceed the Rate of Threepence in the Pound.

PART VIII.

Enforcement of and Procedure under this Act.

Procedure if Local Authority neglect its Duty under this Act.

96. If any Nuisance shall exist upon or in Premises possessed or managed by the Local Authority, or in which the Local Authority have any Interest, or if the Local Authority shall fail or neglect to perform any Duty imposed upon them by this Act, or to take all due Proceedings in this Act authorized for the Removal of Nuisances or Preservation of Health, or due Regulation of Lodging Houses, or for any other of the Purposes of this Act, it shall be competent for any Two Householders residing within the District, or for the Inspector of the Poor of the Parish, or for the Procurator Fiscal of the Sheriff or Justice of the Peace Court of the County, or of the Burgh Court, or for the Board, to give written Notice to such Local Authority of the Matters in which such Neglect exists; and if the Local Authority do not within Fourteen Days after such Notice, or in the Case of Neglect to enforce any Regulation or Direction of the Board under Part III. of this Act, within Two Days after such Notice, remove or remedy the Nuisance referred to, or in any other Case neglect to take the Steps authorized or required by or under this Act, it shall be competent for the Parties aforesaid, or any One of them, to apply to the Sheriff by summary Petition, and the Sheriff shall thereupon inquire into the same, and may make such Decree as shall in his Judgment be required to enforce the Removal or Remedy of the Nuisance, or otherwise to compel Execution of or carry out the Provisions and Purposes of this Act, and may appoint the same to be carried into effect by and at the Sight of such Persons as he may think fit, and at the Expense of the Local Authority, or of other Parties on whom the Expense ought in his Opinion to be laid, and for Payment of the Expenses of such Application by the Petitioners or by the Local Authority or other Party, as Justice may require; and further, it shall be competent for the Board to present a Petition to the Sheriff, under the Fourth Section of the "Burial Grounds (Scotland) Act, 1855," to the same Effect, and to be followed out in like Manner as if presented by any of the Persons or Parties therein mentioned: Provided always, that in regard to any Nuisance for the Removal of which Drainage Works are necessary, the Sheriff or other Judge or Court may suspend Consideration of the Complaint for such Time as may seem proper, in order to enable a general System of Drainage under any General or Local Act or otherwise to be carried out, the better to remove such Nuisances.

97. In

Provision for Refusal or Neglect of Local Authority.

97. In case any Local Authority shall refuse or neglect to do what is herein or otherwise by Law required of them, or in case any Obstruction shall arise in the Execution of this Act, it shall be lawful for the Board, with the Approval of the Lord Advocate, to apply by summary Petition to either Division of the Court of Session, or during Vacation or Recess to the Lord Ordinary on the Bills, which Division or Lord Ordinary are hereby authorized and directed to do therein and to dispose of the Expenses of the Proceedings as to the said Division or Lord Ordinary shall appear to be just.

Procurator Fiscal may sue by Directions of the Board.

98. In any Place within the Jurisdiction of a Local Authority the Procurator Fiscal of the Sheriff Court, on the Board being satisfied that the Local Authority have made default in doing their Duty, may, with the Approval of the Lord Advocate, institute and follow out Proceedings against the Local Authority for compelling them to do their Duty; and may institute and follow out, in all respects, any Proceeding which the Local Authority of such Place might institute with respect to the Removal of Nuisances or otherwise; and the Expense as between Agent and Client of all such Proceedings shall be paid by the Local Authority, but with such Relief to them against the Author of any Nuisance or any other Party as may be competent.

Duties of Local Authorities as to Inspection of Nuisances, &c.

99. It shall be the Duty of the Local Authority to make from Time to Time, and also when required by the Board, either by themselves or by their Officers, Inspection of the District, with a view to ascertain what Nuisances exist calling for Abatement under the Powers of this Act, and to enforce the Provisions of the Act in order to cause the Abatement thereof, also to enforce the Provisions of any Act that may be in force within its District requiring Fireplaces and Furnaces to consume their own Smoke: Where a Nuisance is situated in a District the Local Authority of which does not cause the same to be abated, and which Nuisance is offensive or injurious to another District, the Local Authority of the latter District may call on the first-mentioned Local Authority to take all competent Steps for Removal of such Nuisance, and the said first-mentioned Local Authority shall be bound to do so accordingly; and any Expense thereby occasioned to the said second-mentioned Local Authority shall be reimbursed by the first-mentioned Local Authority, the Amount of such Reimbursement in the Case of Dispute to be finally determined by the Board.

Procedure where Nuisance beyond District.

Local Authority may require Payment of

100. It shall be lawful for the Local Authority, at their Discretion, to require the Payment of any Costs or Expenses which

Costs or Expenses from Owner or Occupier, and Occupier paying to deduct from Rent.

the Owner of any Premises may be liable to pay under this Act, either from the Owner or from any Person who then or at any Time thereafter occupies such Premises, and such Owner or Occupier shall be liable to pay the same, and the same shall be recovered in manner authorized by this Act, and the Owner shall allow such Occupier to deduct the Sums of Money which he so pays out of the Rent from Time to Time becoming due in respect of the said Premises, as if the same had been actually paid to such Owner as Part of such Rent: Provided always, that no such Occupier who shall not be the Author of a Nuisance, shall be required to pay any further Sum than the Amount of Rent for the Time being due from him, or which, after such Demand of such Costs or Expenses from such Occupier, and after Notice not to pay his Landlord any Rent without first deducting the Amount of such Costs or Expenses, becomes payable by such Occupier, unless he refuse, on Application being made to him for that Purpose by or on behalf of the Local Authority, truly to disclose the Amount of his Rent and the Name and Address of the Person to whom such Rent is payable, but the Burden of Proof that the Sum demanded from any such Occupier is greater than the Rent due by him at the Time of such Notice, or which has since accrued, shall lie upon such Occupier: Provided also, that nothing herein contained shall be taken to affect as between the contracting Parties any Contract made or to be made between any Owner, Tenant, or Occupier of any House, Building, or other Property, whereby it is or may be agreed that the Tenant or Occupier shall pay or discharge all Rates, Dues, and Sums of Money payable in respect of such House, Building, or other Property, or to affect as between the contracting Parties any Contract whatsoever between Landlord and Tenant.

Penalty for wilful Damage of Works.

101. If any Person wilfully damages any Works or Property belonging to any Local Authority, he shall be liable to a Penalty not exceeding Five Pounds, in addition to the Cost of repairing such Works or Property.

Appearance of Local Authorities in legal Proceedings.

102. Any Local Authority may appear and plead before any Sheriff, Magistrate, or Justice, or in any legal Proceeding, by any Officer or Member, or other Person authorized generally, or in respect of any special Proceeding, by Resolution of such Authority, and such Person being so authorized shall be at liberty to institute and carry on any Proceeding which the Authority is authorized to institute and carry on under this Act; and it shall not be necessary for the Local Authority to appear in any other Manner in any Prosecution or Proceeding at their Instance.

103. All

Recovery of Penalties.

103. All Penalties under this Act, and also all Sums of Money and Expenses herein directed to be recovered in a summary Manner, may, unless otherwise provided in this Act, be recovered at the Suit of the Local Authority, and may be applied for the Purposes of this Act: Provided always, that nothing contained in this Section shall impair or affect any other Mode of Recovery allowed by this Act: Provided also, that all Contraventions of the Provisions contained in this Act relating to Overcrowding of Houses, and all Contraventions of the Provisions in this Act or of the Rules and Regulations made under the Authority of this Act relating to Common Lodging Houses, may be prosecuted as Police Offences before any Judge or Magistrate having Police Jurisdiction, and in the same Way and Manner as Police Offences are prosecuted before him under any General or Local Police Act; and in the event of the Offender being convicted, and failing to make immediate Payment of the Penalty which may have been imposed, he shall be liable to Imprisonment for any Period not exceeding Fourteen Days, without prejudice to Diligence by Poinding or Arrestment, if no Imprisonment has followed on the Conviction.

Powers of Act cumulative.

104. All Powers given by this Act shall be deemed to be in addition to, and not in derogation of, any Powers conferred by Act of Parliament not hereby repealed, or any Law or Custom; and such last-mentioned Powers may be exercised in the same Manner as if this Act had not passed, but without Prejudice to the Powers conferred by this Act.

Form of Applications to the Sheriff.

105. All Applications to enforce any Provision of this Act, or for the Recovery of Penalties herein imposed, or other Sums of Money becoming due to the Local Authority in virtue of this Act, in so far as not herein otherwise provided for, may be by summary Petition, and such Petition may refer to the Clauses of this Act on which it is founded, without setting forth the same; and the Sheriff, Magistrate, or Justice shall thereupon, if he see fit, appoint the Petition to be answered within Three Days after Service, or may order the Parties to attend him in Person, and on advising such Answer, or hearing the Parties, or on the Respondent failing to appear, he may at once decern, or may appoint any competent Person to examine the Premises and report to him, and may decern on such Report; or he may, if either Party desire it, order Proof to be led before himself on any specified Points, and shall in that Case appoint a Day, not more than Five Days thereafter, for hearing such Proof, and if the Proof be not on that Day completed may adjourn the same from Time to Time until completed, and within Three Days after such Completion he shall give Decree, and

he may find either Party liable in Expenses, or in any modified Sum of Expenses; and may, without Prejudice to Diligence by Poinding or Arrestment grant Warrant for the Imprisonment of the Person convicted or found liable in a Penalty or Sum of Money, unless he shall pay the whole Sums found due within a specified Time, until the same be paid, such Imprisonment not to exceed a specified Time; but the Judgment shall not be invalidated by any Deviation from any of the said Periods of Time.

No written Pleadings, &c. allowed.

106. No written Pleadings, other than the Petition and Answers (when ordered), shall be allowed, and the Sheriff, Magistrate, or Justice shall have Power to grant Diligence in common Form to cite Witnesses and Havers, and in Cases under the Heads marked (*h.*), (*i.*), and (*j.*) in Section Sixteen, the Sheriff shall take Notes of the Evidence in like Manner as in Civil Proofs: Provided always, that no Decree under this Act against any Party shall bar his Right to Relief against any other Party legally liable therein.

Appeal in certain Cases.

107. Where in Cases under the Heads (*h.*), (*i.*), and (*j.*) in Section Sixteen it shall appear to the Sheriff that the true Value of the Subject complained of as a Nuisance, or the Cost of the Operations necessary to remove or amend it as ordered, or the Value of the Trade or Business interfered with, exceeds the Sum of Twenty-five Pounds or the Sum of Fifty Pounds respectively, he shall certify his Opinion to that Effect in his Decree, and the Parties shall thereupon be entitled to appeal from the Sheriff Substitute, where the Judgment has been pronounced by him to the Sheriff, on lodging, within Three Days after the Decree, a Note of Appeal with the Sheriff Clerk, and serving the same on the opposite Party or the Agent acting in such Proceedings for such Party, and such Note shall operate as a Sist of Execution until the Appeal be determined; and on such Note being lodged the Sheriff Clerk shall transmit the Process, together with the Sheriff Substitute's Notes of Evidence, to the Sheriff, whose Decision thereon shall be final where the Value certified is not above Fifty Pounds; and in the event of such Value or Cost being so certified to exceed the Sum of Fifty Pounds, the Parties shall be entitled to present a Note of Appeal to the Lord Ordinary on the Bills against the Judgment either of the Sheriff Substitute or of the Sheriff, whether this last be an original Judgment or an Appeal, provided that, along with such Note, the Appellant shall lodge a sufficient Bond of Caution by One or more Obligants, to the Amount of Fifty Pounds Sterling, for Payment or Performance of any Judgment that may be pronounced under his Appeal; and also provided, that such Note be lodged in the Bill Chamber, and a Copy thereof served on the opposite Party or his said

said Agent within Eight Days after the Date of the Sentence or Judgment complained of, which Note shall in like Manner operate as a Sist of Execution until a Judgment be pronounced by the Lord Ordinary, which Judgment shall be final unless the Lord Ordinary shall allow a Reclaiming Note to the Inner House, and the Judgment of the Inner House shall be final.

No Appeal otherwise.

108. No Appeal shall be competent from any Decree or Order of any Magistrate or Justices, or from the Decree or Order of any Sheriff, except in Cases certified in Terms of the preceding Section; and no Decree or Order, or any other Proceeding, Matter, or Thing done in the Execution of this Act shall, excepting as herein provided, be subject to Review in any way whatever.

Justices being Members of Local Authority may act.

109. The Sheriff, Justices of the Peace, or Magistrates may in all Cases, notwithstanding their being Members of the Local Authority or the Board, exercise the Jurisdiction vested in them under this Act.

Service of Notices, Petitions, and Orders.

110. Notices, Petitions, and Orders under this Act may be served by any Person by delivering the same to or at the Residence of the Parties to whom they are respectively addressed, or by being put into the Post Office duly addressed to the Parties; and where addressed to the Owner or Occupier of Premises they may be served by any Person delivering the same or a true Copy thereof to some Person upon the Premises, or if there be no Person upon the Premises who can be so served, by fixing the same upon some conspicuous Part of the Premises; and Service of such Notices, Petitions, or Orders may be proved by a Certificate under the Hand of the Person who posted, or delivered, or affixed the same, attested by One Witness who was also present.

Proof of Resolutions of Local Authority and Board.

111. Copies of any Orders or Resolutions of the Local Authority or their Committee, purporting to be signed by the Chairman of such Body or Committee, and all Directions and Regulations, or Orders or Resolutions of the Board, signed by their Secretary or Clerk, shall, unless the contrary be shown, be received as Evidence thereof without Proof of their Meeting, or of the Official Character or Signature of the Person signing the same.

One or more Joint Owners may be proceeded against alone.

112. In case of any Demand or Complaint under this Act, to which Two or more Parties, whether as Owners or Occupiers of Premises, may be jointly answerable, it shall be sufficient to proceed against any One or more of them without proceeding against the others or other of them; but nothing herein contained shall

prevent the Parties so proceeded against from recovering Relief in any Case in which they would now be entitled to Relief by Law.

Penalty on Occupier obstructing Owner.

113. If the Occupier of any Premises prevent the Owner thereof from obeying or carrying into effect the Provisions of this Act, the Sheriff or any Magistrate or Justice to whom Application is made shall, by Order in Writing, require such Occupier to permit the Execution of the Works required to be executed, provided that such Works appear to such Sheriff, Magistrate, or Justice to be necessary for the Purpose of obeying or carrying into effect the Provisions of this Act; and if within a reasonable Time after the making of such Order the Occupier against whom it is made refuse to comply therewith, he shall be liable to a Penalty not exceeding Five Pounds for every Day afterwards during the Continuance of such Refusal.

Penalty for violating Act or obstructing its Execution.

114. Whoever wilfully violates or contravenes any Provision of this Act to which a pecuniary Penalty is not herein attached, obstructs any Person acting under the Authority or employed in the Execution of this Act, or wilfully violates any Direction or Regulation issued by the Board under this Act, shall be liable for every such Offence to a Penalty not exceeding Five Pounds; provided that nothing in this Act shall exempt any Person from any Penalty or Liability to which he may otherwise be subject.

Works of Distribution of Sewage to be deemed a Land Improvement.

115. The making of Works of Distribution and Service for the Supply of Sewage to Lands for agricultural Purposes shall be deemed an Improvement of Land authorized by the Land Improvement Act, 1864, and the Provisions of that Act shall apply accordingly.

Compensation to be made.

116. Full Compensation shall be made, out of any Fund or Assessment applicable to the Purposes of this Act, to all Persons sustaining any Damage by reason of the Exercise of any of the Powers of this Act, except when otherwise specially provided; and in case of Dispute, if the Sum claimed do not exceed the Sum of Fifty Pounds Sterling, the same may be ascertained on a summary Application by either Party to the Sheriff, whose Decision shall be final and not subject to Review, unless when pronounced by the Sheriff Substitute, in which Case it may be reviewed by the Sheriff on Appeal; and when the Sum claimed exceeds Fifty Pounds Sterling, such Compensation shall be ascertained and disposed of in Terms of the Lands Clauses Acts.

117. No

117. No Conviction or other legal Proceeding under this Act shall be void for Want of Form, or for Want of any previous Notice, provided in this latter Case the Party proceeded against or convicted has appeared or the Charge had come to his Knowledge; and the Charge may be amended at any Time, and the Proceedings may be adjourned on the Ground of Want of sufficient Notice, or for other good Cause. Convictions not void for Want of Form.

118. The Local Authority and the Board shall not be liable in Damages for any Irregularity committed by their Officers in the Execution of this Act, or for anything done by themselves in the bonâ fide Execution of this Act; and every Officer acting in the bonâ fide Execution of this Act shall be indemnified by the Local Authority under which he acts in respect of all Costs, Liabilities, and Charges to which he may be subjected; and every Action or Prosecution against any Person acting under this Act, on account of any Wrong done in or by any Action, Proceeding, or Operation under this Act, shall be commenced within Two Months after the Cause of Action shall have arisen. Local Authority or Board not liable for Irregularity of their Officers.

119. The Forms contained in the Schedule to this Act annexed, or any Forms to the like Effect, may be used for the Purposes of this Act, and shall be sufficient therefor, and all written Proceedings or Documents under this Act may be wholly or partly printed. As to Forms to be used.

120. All Bonds, Assignations, Conveyances, Instruments, Agreements, Receipts, or other Writings made or granted by or to or in favour of the Local Authority under this Act shall be exempt from all Stamp Duties. Exemption from Stamp Duties.

121. The Constabulary and Police Force in their respective Jurisdictions shall aid the Authorities and Officers acting in execution of this Act, or any Directions or Regulations issued as aforesaid. Police Constables to aid in executing Act.

122. Nothing in this Act shall be construed to impair any Right of Action in respect of Nuisances at Common Law. Act not to impair Right of Action, &c.

SCHEDULE.

Bond for Borrowed Money.

We, the Local Authority of the Burgh [*or* Parish] of considering that, by Resolution of the said Local Authority passed on the Day of , it was resolved to borrow the Sum of Pounds, under the Powers contained in "The Public Health (Scotland) Act, 1867," Section , for the Purpose of [*specify Purpose*], and on Security of the after-mentioned Assessments, and further, considering that we have accordingly borrowed and received the Sum of from [*Name and Designation of the Lender*], therefore we bind the said Local Authority to repay the said Sum of Pounds [*here insert Obligation to repay in accordance with the Arrangement made between the Local Authority and the Lender*], and in Security of the said Loan, we hereby assign to the said and his foresaids the [*specify the Assessments on the Security of which the Money is borrowed*], and we consent to the Registration hereof for Preservation and Execution. In witness whereof, *&c.*

Transfer.

I, *A. B.* [*Designation*], in consideration of the Sum of paid to me by *C. D.* [*Designation*], do hereby assign and transfer to the said *C. D.*, and his Heirs, Executors, and Successors, a certain Bond, Number , granted by the Local Authority of the Burgh [*or* Parish] of in favour of bearing Date the Day of for securing the Sum of and Interest thereon, and all my Right and Interest in and to the Money thereby secured, and in and to the [*here specify the Assessments on the Security of which the Money was borrowed*] thereby assigned; and I consent to Registration hereof for Preservation. In witness whereof, *&c.*

Discharge.

I, *A.B.* [*Designation*], in consideration of the Sum of paid to me by *C. D.* [*Designation*], do hereby discharge a certain Bond, Number , granted by the Local Authority of the Burgh [*or* Parish] of in favour of , and all Interest due thereon, and I declare the Assessments thereby assigned to be freed and discharged thereof; and I consent to Registration hereof for Preservation. In witness whereof, *&c.*

Public Health (Scotland).

A

B I L L

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, AND ON SECOND RE-COMMITMENT]

To consolidate and amend the Law relating to the Public Health in Scotland.

(Prepared and brought in by Sir Graham Montgomery, Mr. Secretary Walpole, and Mr. Hunt.)

Ordered, by The House of Commons, *to be Printed,* 26 *July* 1867.

[Bill 284.]

Under 8 *oz.*

Public Houses Regulation Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

Preamble.

1. Short Title.
2. Extent of Act.
3. Interpretation.
4. Adoption of Act.
5. Commencement of Act.
6. Retailing and Wine and Beer Licences not to be granted, but only Public House and Excise Licences.
7. Wine not to be sold except under Public House Licence.
8. Beer, &c. not to be sold except under Public House Licence.
9. Provision for Persons now having Retailing Licences.
10. Saving Rights of Persons now having Wine Licences and Beer Licences.
11. Public House and Excise Licences to be uniform.
12. Excise Licences.
13. Extent and Terms of Excise Licence.
14. Excise Duty on Excise Licences generally.
15. Excise Duty on Excise Licence obtained on Surrender of Retailing Licence, and prohibiting Sales on Sunday.
16. Notice of Application for Public House Licence to be served on Clerk to Justices, and Abstract thereof advertised.
17. Notice of Application for Transfer of Public House or Retailing Licence to be served on Clerk to Justices.
18. Occupation, User, and Rating of Public House to be licensed.
19. Conditions for Grant of Licence.
20. Form of Public House Licence.
21. Conditions for Transfer of Licence.
22. Removal of Licence from House licensed at Commencement of Act.
23. Licences where Public Houses not completed or begun.
24. Notices to Excise Officers of such Licences.
25. Licence to be refused on Memorial of Inhabitants.
26. Penalty for forging Signature to Memorial, &c.
27. Justices to examine as to Signatures to Memorial, and summon Witnesses.
28. Penalty for not obeying Summons, &c.
29. Applicants for Licence to produce Certificate of Rating.

30. Penalty

Clauses.
30. Penalty on Overseers refusing Certificate, &c.
31. Certificates primâ facie Evidence.
32. Penalty on forging Certificates, &c.
33. Public House Bond.
34. Clerk to Justices to be named in Public House Bond by Name of Office.
35. Recovery of Penalties under Public House Bond.
36. Withdrawal of Surety.
37. Substitution of Sureties.
38. Execution of Public House Bond by new Surety.
39. Suspension of Licence for Want of Surety.
40. Notice of proposed Surety.
41. Hours for Sale of exciseable Liquors.
42. Disqualification for Licence.
43. Licence of Persons convicted of Three Offences in Two Years void.
44. Where Public House or Retailing Licence suspended or void, Licence for Excise to be suspended or void.
45. Penalty for selling exciseable Liquors without Licence, &c.
46. On Conviction for unlawful Sale, &c., Purchaser, &c. to be guilty of aiding and abetting.
47. Warrant for Officers, &c. to enter suspected Premises.
48. Entry and Search of suspected Premises, and Seizure of Liquors, &c.
49. Persons found on suspected Premises to be taken into Custody, &c.
50. Not to affect Provisions in scheduled Acts as to Beerhouses, &c.
51. Offences against scheduled Acts to be Offences against this Act.
52. Recovery, &c. of Penalties.
53. Application of Provisions of Excise Acts.
54. Act not to affect Penalties under Excise Acts.
55. Restriction of Appeals to Quarter Sessions or Judge of Assize.
56. Appeal to Quarter Sessions or to Judge of Assize.
57. Notice of Appeal, and Recognizance to try Appeals.
58. Power for Justice to compel Attendance of Witnesses.
59. Hearing of Appeal.
60. Power for Court to grant, transfer, or remove Licence.
61. If Appeal dismissed, &c., Judgment to be carried into execution.
62. Court may award Costs to Respondent.
63. Licence for Dancing.
64. Act to override scheduled Acts.

SCHEDULES.

A

B I L L

FOR

The better Regulation of Public Houses, Refreshment Houses, and Beerhouses.

[The Words and Figures printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS it is expedient that Provision be made for the better Regulation of Public Houses, Beerhouses, and Refreshment Houses within Corporate Boroughs and other Places: Preamble.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may for all Purposes be cited as "The Public House Licensing Act, 1867." Short Title.

2. This Act shall not extend to Scotland or Ireland, and shall be in force only within the Limits of the Corporate Boroughs and Districts of Local Boards respectively for which from Time to Time this Act is adopted, and shall be in force at all Times within those respective Limits. Extent of Act.

Interpretation.

3. In this Act the Words and Expressions following have the Meanings following, unless excluded by the Subject or Context; (that is to say,)

(a.) "The scheduled Acts" means the Acts specified in the Schedule (B.) to this Act annexed:

(b.) A scheduled Act is referred to in this Act by the Expression given in connexion therewith in the Second Column of the Schedule (B.) to this Act annexed:

(c.) "Corporate Borough" means any City, Borough, Port, Cinque Port, or other Place from Time to Time subject to the Act for the Regulation of Municipal Corporations in England and Wales:

(d.) "District of a Local Board" means any Place within the Jurisdiction of a Board of Improvement Commissioners or of a Local Board of Health not being a Municipal Corporation:

(e.) "Local Board" means the Improvement Commissioners or the Local Board of Health for any District of a Local Board:

(f.) "District or Place" means and includes the Corporate Borough and District of a Local Board respectively within which from Time to Time this Act is in force:

(g.) "Justices" means Justices of the Peace from Time to Time acting for the District or Place, and not by any of the Provisions of the General Licensing Act disqualified for acting in the Execution thereof:

(h.) "Justice" means and includes any One Justice of the Peace and any Stipendiary Magistrate and Police Magistrate respectively from Time to Time acting for the District or Place, and not by any of the Provisions of the General Licensing Act disqualified for acting in the Execution thereof:

(i.) "General Annual Licensing Meeting," and "Special Session," and "Petty Session," and "General Quarter Session" respectively mean and include the Meeting and Session respectively, and any Adjournment thereof respectively, from Time to Time held in and for the District or Place:

(j.) "Premises" means and includes Houses and Buildings and Erections and their Curtilages and Parts thereof respectively, and Land with or without any Building or Erection thereon:

(k.) "Actual Occupation" of any Premises by any Person means the Tenancy in possession of the Premises by the Person, but does not mean that he resides thereon:

(l.) "Exciseable

(l.) "Exciseable Liquor" means and includes Wines, Spirits, Beer, Ale, Porter, Cider, Perry, and all other intoxicating Liquors for the Sale by Retail of which any Licence by the Commissioners of Inland Revenue or an Officer of Excise is from Time to Time by Law required, except Methylated Spirit:

(m.) "Public House" means and includes Hotel, Tavern, Inn, Public House, Victualling House, Refreshment House, Alehouse, Beerhouse, Taphouse, Shop, Room, Booth, Shed, Tent, Building, Erection, Garden, and other Premises from Time to Time kept or intended to be kept for the Sale of any exciseable Liquor to be consumed on the Premises:

(n.) "*Refreshment House Licence*" *means a Licence under* "*The Refreshment Houses Act*, 1860:"

(o.) "*Wine Licence*" *means a Licence for the Sale by Retail of Foreign Wine:*

(p.) "*Beer Licence*" *means a Licence for the Sale by Retail of Beer, Ale, Porter, Cider, and Perry, or any of them:*

(q.) "Retailing Licence" means a Licence not under this Act for the Sale by Retail at a Public House of exciseable Liquors to be consumed on the Premises specified in the Licence, and not being a Wine Licence or a Beer Licence:

(r.) "Public House Licence" means a Licence under this Act for the Sale by Retail at a Public House of exciseable Liquors to be consumed on the Premises specified in the Licence:

(s.) "*Excise Licence*" *means a Licence under this Act by the Commissioners of Inland Revenue, or an Officer of Excise, for the Sale by Retail at a Public House of exciseable Liquors to be consumed on the Premises specified in the Licence:*

(t.) "Licence" includes, where necessary, a renewed or new Licence where on the Expiration or Surrender of a Licence a new Licence is granted by way of Exchange for or Renewal of the Licence expired or surrendered:

(u.) "Public House Bond" means a Bond by this Act required to be given on the Grant or Transfer of a Public House Licence or a Retailing Licence:

(v.) Words and Expressions to which by the scheduled Acts or any of them Meanings are assigned have in this Act the same respective Meanings.

Adoption of Act

4. This Act may be adopted,—

(a.) For a Corporate Borough by a Resolution of the Council assembled at a Meeting held for the Purpose:

(b.) For a District of a Local Board by a Resolution of the Local Board assembled at a Meeting held for the Purpose;

But, subject as follows,—

(c.) The Resolution in either Case shall not be valid unless *One* Month's previous Notice of the Meeting and the Purpose thereof be given as Notices of Meetings of the Council or Local Board are usually given, nor unless *Two Thirds* of the Members present at the Meeting and not declining to vote concur in the Resolution:

(d.) The Chairman of the Meeting, with the Consent of a Majority of the Members present, may adjourn the Meeting from Day to Day:

(e.) The Meeting may, and, on the Requisition in Writing of any *Twenty* Persons being Ratepayers or Owners of rateable Property within the Corporate Borough or the District of a Local Board, and within *Fourteen* Days next after the Delivery of the Requisition, shall be called by the Mayor, or, as the Case happens, by the Chairman of the Local Board.

Commencement of Act.

5. This Act shall commence and have Effect in any Corporate Borough or District of a Local Board from and after the Time when this Act is adopted for the Corporate Borough or the District of the Local Board.

Retailing, and Wine and Beer Licences not to be granted, but only Public House and Excise Licences.

6. From and after the Commencement of this Act, and except only as is by this Act otherwise expressly provided, no Retailing Licence, *or Wine Licence, or Beer Licence,* shall be granted to any Person, but Public House Licences and Excise Licences in respect of Public House Licences shall alone be granted.

Wine not to be sold except under Public House Licence.

7. *From and after the Commencement of this Act, every Person, other than the Persons by this Act excepted, who sells by Retail any Foreign Wine to be consumed on the Premises, without having obtained a Public House Licence in respect of those Premises, shall, notwithstanding he has taken out a Wine Licence, be deemed guilty of selling exciseable Liquors without being duly licensed in that Behalf, and shall be punished as by this Act in that Behalf provided.*

Beer, &c. not to be sold except under Public House Licence.

8. *From and after the Commencement of this Act, every Person, other than the Persons by this Act excepted, who sells by Retail any Beer, Ale, Porter, Cider, or Perry, to be consumed on the Premises, without having obtained a Public House Licence in respect of those Premises, shall, notwithstanding he has taken out a Beer Licence, be*

be deemed guilty of selling exciseable Liquors without being duly licensed in that Behalf, and shall be punished as by the scheduled Acts or any of them, or this Act, in that Behalf provided.

Provision for Persons now having Retailing Licences.

9. Provided That any Person who at the Commencement of this Act holds any Retailing Licence then in force, or who is the Transferee of the Licence, and who carries on the Business authorized by the Licence, shall, as if this Act were not passed, be entitled to a Renewal of the Licence, and to carry on the Business at the Premises specified in the Licence so in force, or at any other Premises to which the Licence is, in accordance with this Act, removed until the Expiration of *Fourteen* Years next after the Commencement of this Act, unless the Licence be previously adjudged, under the scheduled Acts or any of them, or this Act, to be void: Provided that every renewed Retailing Licence shall be in the Form in the Schedule (A.) to this Act, and every Retailing Licence granted in any other Form shall not entitle any Person to an Excise Licence, and shall be absolutely void to all Intents.

Saving Rights of Persons now having Wine Licences and Beer Licences.

10. *Provided, That any Person who, at the Commencement of this Act, holds any Wine Licence or any Beer Licence then in force, and who carries on the Business authorized by the Licence, may continue to take out or renew the Licence, and to carry on the Business at the Premises specified in the Licence so in force, until the Expiration of* Fourteen *Years next after the Commencement of this Act, unless the Licence be previously adjudged under the scheduled Acts, or any of them, or this Act, to be void: Provided that if at any Time the Person who at the Commencement of this Act holds the Licence cease for* Three *Months to renew the Licence, he shall not thereafter be entitled to renew the Licence, or be entitled to any Benefit under this Section.*

Public House and Excise Licences to be uniform.

11. *From and after the passing of this Act, and except only as is by this Act otherwise provided, the Terms and Conditions of all Public House Licences and Excise Licences, whatever be the Premises specified therein, shall in all respects be the same.*

Excise Licences.

12. *An Excise Licence shall not be granted under this Act to any Person unless he previously obtain a Public House Licence, and shall then be granted to him in respect only of the Premises specified in the Public House Licence, and which Licence shall be retained by him, after being produced to the Commissioner of Inland Revenue or Officer of Excise who is to grant the Excise Licence; and every Excise Licence granted contrary to this Section shall be absolutely void to all Intents.*

Extent and Terms of Excise Licence.

13. *Every Excise Licence granted under this Act shall authorize the Sale by Retail of all exciseable Liquors to be consumed on the Premises specified therein, and shall contain the same Terms and Conditions as the Public House Licence in respect of which it is granted.*

Excise Duty on Excise Licences generally.

14. *The Person who obtains an Excise Licence under this Act shall, instead of the Duty of Excise payable under any other Act or Acts for the same, pay for the same the Excise Duty in that Behalf specified in the Schedule (C.) to this Act annexed.*

Excise Duty on Excise Licence obtained on Surrender of Retailing Licence, and prohibiting Sales on Sunday.

15. *Where any Person, within Fourteen Years next after the Commencement of this Act, obtains in exchange for a surrendered Retailing Licence a Retailing Licence in Terms requiring the Premises specified therein to be altogether closed against the Sale of all exciseable Liquors during the whole of every Sunday, Christmas Day, and Good Friday, and every Day appointed for a Public Fast or Thanksgiving, which the Justices at their General Annual Licencing Meeting are hereby authorized to grant, then the Person who obtains an Excise Licence in respect of the Retailing Licence in such Terms shall, instead of the Duty of Excise payable under any other Act or Acts for the same pay, for the same an Excise Duty less by Thirty per Centum than the Duty of Excise payable under the other Act or Acts for the same.*

Notice of Application for Public House Licence to be served on Clerk to Justices, and Abstract thereof advertised.

16. Any Person who intends to apply at the then next General Annual Licensing Meeting for a Public House Licence, in respect of Premises for which a Public House Licence or a Retailing Licence has not within the *Twelve* Months next before the Day of the Application been held and enjoyed, shall, in addition to serving the Copies of the Notice by Section Ten of the General Licensing Act required to be served, also serve, at any Time, as regards any Premises in the Counties of Middlesex and Surrey or either of them, before the Month of *February*, and as regards any Premises elsewhere than in those Two Counties or either of them, before the Month of *July* in the Year in which the Application is to be made, a Copy of the intended Notice upon the Clerk to the Justices, and shall once in each of *Three* consecutive Weeks during that Month publish an Abstract of the intended Notice by Advertisement in *One* of the Daily Papers published or circulating in the District or Place, and shall also place and maintain in a conspicuous Position on the Public House or Site of the Public House to be licensed a Copy of the Advertisement in clear and legible Characters during the whole of such *Three* Weeks.

17. Any

Notice of Application for Transfer of Public House or Retailing Licence to be served on Clerk to Justices.

17. Any Person who intends to apply at the then next Special Session for Permission to transfer any Public House Licence or Retailing Licence held by him, shall, in addition to serving the Notices by Section Eleven of the General Licensing Act required to be served, also serve, at least *Ten* Days before the Day for holding the Special Session, a like Notice upon the Clerk to the Justices.

Occupation, User, and Rating of Public House to be licensed.

18. A Public House Licence shall not be granted in respect of any Premises, except on the Conditions following; that is to say,

(a.) The Premises specified in the Licence shall be in the actual Occupation of the Person applying for the Licence;

(b.) All and every Part of the Premises specified in the Licence shall be used solely for the Purposes expressed in the Licence;

(c.) The Premises specified in the Licence shall be rated in *One* Sum to the Poor's Rate on such a rateable yearly Value at the least as, having regard to the Population of the District or Place, is the lowest rateable yearly Value specified in the Schedule (C.) to this Act annexed; or,

(d.) If the Premises be not already so rated to the Poor's Rate, it shall be proved to the Justices by this Act provided that the Premises will be so rated to the then next Poor's Rate, or in the Case of a Public House not built to the Poor's Rate next after it is built.

Conditions for Grant of Licence.

19. The Justices assembled at the General Annual Licensing Meeting shall grant a Public House Licence to any Person, not by the General Licensing Act or this Act disqualified, whose Character is satisfactory to the Justices, and who enters into a Public House Bond, and pays the Fees for the Licence by the General Licensing Act required, having first proved—

(a.) That he is in the actual Occupation of the Premises to be specified in the Licence:

(b.) That the whole of the Premises are intended and in all respects fit to be used solely for the Purposes expressed in the Licence:

(c.) That the Premises are of the rateable yearly Value which, having regard to the Population of the District or Place, is the lowest rateable yearly Value specified in the Schedule (C.) to this Act annexed:

(d.) That he is the Person rated in respect of the Premises to the then last Poor's Rate, or who has applied to be rated in respect of the Premises to the then next Poor's Rate, or

in the Case of a Public House not built to the Poor's Rate next after it is built:

(e.) Where a Public House Licence or a Retailing Licence has not been enjoyed by any Person in respect of the Premises within the *Twelve* Months next before the Day of the Application, that Notice of the intended Application for the Licence as required by the General Licensing Act and this Act respectively has been duly given.

Form of Public House Licence.

20. Every Public House Licence granted under this Act shall be in the Form in the Schedule (A.) to this Act annexed, or as near thereto as Circumstances admit, and shall be in force from the *Tenth* Day of October next after the granting thereof for *One* whole Year and no longer; and every Public House Licence granted in any Form other than the Form by this Act directed shall not entitle any Person to obtain an Excise Licence, and shall be absolutely void to all Intents.

Conditions for Transfer of Licence.

21. The Justices assembled at the Special Session shall transfer a Public House Licence from the Person ceasing to occupy the Premises specified in the Licence to any Person intending to occupy them, and not by the General Licensing Act or this Act disqualified, whose Character is satisfactory to the Justices, and who enters into a Public House Bond, and pays the Fees for the Licence by the General Licensing Act required, having first proved that Notice of the intended Application for the Transfer of the Licence, as required by the General Licensing Act and this Act respectively, has been duly given.

Removal of Licence from House licensed at Commencement of Act.

22. Where a Person who at any Time within *Two* Years next before the Commencement of this Act has held or enjoyed any Retailing Licence applies for the Removal of the Licence to other Premises to be occupied by him, the Justices assembled at the General Annual Licensing Meeting, or at the Special Session at any Time within *Fourteen* Years next after the Commencement of this Act, may alter the Licence by substituting therein, for the Description of the Premises specified therein a Description of the Premises to which the Removal is proposed to be made, so as it be first proved to their Satisfaction—

(a.) That the Owner or reputed Owner of the Premises from which the Removal is proposed to be made has assented in Writing to the Application for the Removal:

(b.) That the Applicant is in the actual Occupation of the Premises to which the Removal is proposed to be made:

(c.) That

(c.) That the whole of those Premises are intended and in all respects fit to be used solely for the Purposes expressed in the Licence:

(d.) That those Premises are of the rateable yearly Value which, having regard to the Population of the District or Place, is the lowest rateably yearly Value specified in the Schedule (C.) to this Act annexed:

(e.) That he is the Person rated in respect of those Premises to the then last Poor's Rate, or who has applied to be rated in respect of those Premises to the then next Poor's Rate, or in the Case of a Public House not built to the Poor's Rate next after it is built:

(f.) That in the Month next before the Month in which the Application is made such Notices as are required by the General Licensing Act and this Act respectively to be given of the Intention to apply for a Grant of a Public House Licence have, mutatis mutandis, been duly given of the Intention to apply for the proposed Removal:

And the Retailing Licence shall during the Continuance thereof be held on the same Conditions as if the same were a Public House Licence granted under this Act; and the Clerk to the Justices shall give Notice in Writing of the Alteration of the Licence to the Commissioners of Inland Revenue or the Collector of Excise for the District or Place, who shall thereupon make Entry of the Premises to which the Removal is made, and, if necessary, alter the Excise Licence.

Licences where Public Houses not completed or begun.

23. Where Application is made for the Grant of a Public House Licence, or the Removal of a Retailing Licence, to or in respect of Premises comprising a Public House intended to be built, but not then completed, or not then begun, the Justices assembled at the General Annual Licensing Meeting, or, as the Case requires, at the Special Session, shall make the Grant or Removal on the Terms and Conditions following; (that is to say,)

(a.) That the Plans for the Public House and of the Site thereof, with such Evidence relating thereto as the Justices require, be, before the making of the Grant or Removal, submitted to and approved, without or with any Modification thereof, by the Justices:

(b.) That the Public House be within the Time limited by the Justices completed in accordance with the Plans so approved:

(c.) That the Licence be not delivered to the Grantee or Transferee thereof by the Clerk to the Justices unless and until Compliance with the Condition (b.) be shown to

Two Justices, and bear Date on the Day on which the Compliance is shown:

(d.) That the Excise Licence be not taken out, or, as the Case requires, altered, until the Licence so granted or transferred be so delivered by the Clerk to the Justices.

Notices to Excise Officers of such Licences.

24. Forthwith after the making of any such Grant or Removal the Clerk to the Justices shall give Notice in Writing thereof to the Commissioners of Inland Revenue, or the Collector of Excise for the District or Place, and, forthwith after Compliance with the Condition (b.) is shown to the Justices, he shall deliver the Licence to the Grantee or Transferee thereof, and shall give Notice in Writing thereof to the Commissioners or Collector.

Licence to be refused on Memorial of Inhabitants.

25. Where Application is made for the Grant of a Public House Licence, or the Removal of a Retailing Licence, the Justices assembled at the General Annual Licensing Meeting or Special Session at which the Application is considered shall refuse to make the Grant or Removal in the Case following; (that is to say,)

(a.) If *Three Fourths* in Number of the Owners or reputed Owners and Occupiers of all the other Premises any Part of which is within *One hundred and fifty* Yards from the Centre of the principal Entrance Door of the Premises for which the Grant or Removal is applied for, by Memorial to the Justices, in Writing signed by the Memoralists or their Agents authorized by Writing, object to the Grant or Removal:

(b.) If at least *Five* clear Days before the Day for hearing the Application the Memorial be delivered to the Clerk to the Justices to be kept by him:

Provided that the *One hundred and fifty* Yards may be ascertained by Measurement in a direct Line on the Ordnance Map, if any, of the District or Place.

Penalty for forging Signature to Memorial, &c.

26. If any Person forges any Signature to the Memorial, or signs the Memorial assuming to be the Agent of the Person for whom he signs it, or signs it in respect of Premises no Part of which is within the prescribed *One hundred and fifty* Yards, or uses or produces for Use the Memorial knowing it to be in any respect so improperly signed, every Person so offending shall for every such Offence be liable, on Conviction before *Two* Justices, to be imprisoned, with or without Hard Labour, in the Common Gaol for not exceeding *Three* Months.

27. Where

Justices to examine as to Signatures to Memorial, and summon Witnesses.

27. Where any such Memorial is presented to the Justices, they may make such Inquiries, as they think fit for ascertaining that the Memorial is signed by the Persons by whom it purports to be signed, and that it is signed by the requisite Number or Proportion of Persons, and in order thereto may summon before them any Person by whom the Memorial purports to be signed, and any other Persons whose Evidence appears to the Justices to be material, and may examine on Oath (including Affirmation) the Persons summoned, and may administer the Oath, and the Justices shall strike off the Name of every Person whose Signature or Agency is not proved to their Satisfaction.

Penalty for not obeying Summons &c.

28. If any Person so summoned fail to obey the Summons, or to give the Evidence required of him, any Justice may issue his Warrant to apprehend the Person so failing, and to bring him before any Justice, and if the Person still fail in any of those Particulars any Justice may commit him to the Common Gaol, there to remain for not exceeding *Three* Months.

Applicants for Licence to produce Certificate of Rating.

29. Every Person who applies for the Grant of a Public House Licence, or the Removal of a Retailing Licence, shall produce to the Justices a Certificate from One of the Overseers or Assistant Overseers of the Parish or Place in which the Premises to be specified in the Licence are situate, certifying the true rateable Value at which the Premises (all and every Part whereof is intended to be used for the Purposes to be expressed in the Licence, and all being in the actual Occupation of the Applicant,) are rated in One Sum to the then last Poor's Rate, or if not rated therein will be rated in One Sum to the then next Poor's Rate, or in the Case of a Public House not built to the Poor's Rate next after it is built, and certifying also what Person, if any, was rated in respect of the Premises to the then last Poor's Rate, and what Person, if any, has claimed to be rated in respect of the Premises to the then next Poor's Rate, or, in the Case of a Public House not built, to the Poor's Rate next after it is built, and the Certificate shall be delivered to and kept by the Clerk to the Justices.

Penalty on Overseers refusing Certificate, &c.

30. Every Overseer or Assistant Overseer who refuses to grant any Certificate by this Act required to be produced to the Justices, or who wilfully or knowingly grants any such Certificate wherein any Matter certified is false, shall for every such Offence forfeit *Twenty* Pounds.

Certificates primâ facie Evidence.

31. Every Certificate produced in accordance with this Act to the Justices shall be primâ facie Evidence of the Truth of the Matters therein certified, and shall be taken by the Justices accordingly.

Penalty on forging Certificates, &c.

32. Every Person who for the Purpose of obtaining or enabling any other Person to obtain the Grant of a Public House Licence, or the Removal of a Retailing Licence, forges or counterfeits any Certificate, or uses or produces for use any Certificate, knowing the same to be forged or counterfeit, or any Matter certified therein to be false, shall for every such Offence be liable, on Conviction before *Two* Justices, to be imprisoned, with or without Hard Labour, in the Common Gaol for not exceeding *Three* Months, and every Licence obtained or removed on any such forged, counterfeit, or false Certificate, shall, on the Conviction of the Offender, be and be adjudged absolutely void to all Intents.

Public House Bond.

33. The Justices shall not deliver, grant, or transfer any Public House Licence, or remove or transfer any Retailing Licence, to or for any Person, unless before or at the Time of the Delivery of the Licence to the intended Grantee or Transferee a Public House Bond be entered into and delivered to the Clerk to the Justices as follows; (that is to say,)

(a.) The Bond shall be made by the intended Grantee or Transferee with Two sufficient Sureties as Obligors to the Clerk to the Justices as Obligee:

(b.) The Sureties shall be Householders resident within the District or Place, and being either the Persons named in the Notice of the Application for the Grant, Removal, or Transfer, or some other Persons approved by the Justices:

(c.) The Sufficiency of the Sureties shall be judged of and determined by the Justices:

(d.) The Penalty of the Bond shall be *One hundred* Pounds, and the Grantee or Transferee and his Sureties shall be jointly and severally liable for the full Amount of the Penalty:

(e.) The Condition of the Bond shall be for the Payment of all Penalties or Sums of Money not exceeding in the whole *One hundred* Pounds payable for Offences against the Scheduled Acts and this Act respectively, by the intended Grantee or Transferee, and of which he is duly convicted, or, if the Penalties or Sums exceed *One hundred* Pounds, then for the Payment of *One hundred* Pounds on account thereof:

(f.) The Bond shall be duly executed by the intended Guarantee and Transferee and his Sureties:

(g.) The Bond shall be delivered to the Clerk to the Justices, to be kept by him:

Provided that the Bond shall not be liable to any Stamp Duty whatever.

34. The

Clerk to Justices to be named in Public House Bond by Name of Office.

34. The Clerk to the Justices shall be named as Obligee in the Public House Bond not by his own Name but by his Name of Office as "*The Clerk to Her Majesty's Justices of the Peace for* [*as* "*the Case happens*]," and in that Name of Office, and in no other Name, the Bond shall be put in Suit, and the Proceedings on and with respect to the Bond shall be taken by the Person who from Time to Time is the Clerk to the Justices.

Recovery of Penalties under Public House Bond.

35. The Monies payable under a Public House Bond, with Costs of Conviction, may be sued for and recovered by the Clerk to the Justices before any *Two* Justices, by Summons, Warrant of Distress, or Commitment, and when recovered shall be applied in like Manner in all respects as Penalties are by the General Licensing Act directed to be recovered and applied.

Withdrawal of Surety.

36. Any Person being a Surety in a Public House Bond, and desiring to withdraw from the Suretyship, may, at least within *Two* Months and not less than *Twenty-one* Days before the Day for the the then next General Annual Licensing Meeting, give to the Clerk to the Justices, and also to the Person for whom he is Surety, Notice in Writing of his Intention to withdraw, and on its being proved to the Satisfaction of the Justices at that Meeting that the Notices were duly given, and that no Money is in arrear and unpaid on the Bond, the Justices may adjudge the Surety to be discharged from the Bond, and he shall thereupon and thenceforth be absolutely discharged therefrom.

Substitution of Sureties.

37. Where any Surety in a Public House Bond is discharged from the Bond, then at the General Annual Licensing Meeting at which he is discharged, and where any Surety in a Public House Bond dies, becomes bankrupt or insolvent, assigns his Effects for the Benefit of his Creditors, or goes to reside beyond Seas, then at the General Annual Licensing Meeting held next after *One* Month after the happening of any of those Events the licensed Person shall present to the Justices some other sufficient Surety, qualified as by this Act required, to be the Substitute for the retiring Surety, and on the substituted Surety being approved by the Justices he shall enter into the Bond.

Execution of Public House Bond by new Surety.

38. On the Substitution of the Surety it shall not be necessary for him to execute a new Public House Bond, but he may execute the original Bond by signing and sealing the same at the Foot or Side or on the Back thereof, and thereupon the Name of the substituted Surety shall be deemed to be substituted in the Bond for the Name of the Person for whom he is substituted, and from and

after the Time of such Execution the substituted Surety, his Heirs, Executors, and Administrators, shall be liable in all respects under the Bond as if he were one of the Sureties who originally executed it: Provided that the Bond shall not, by reason of the Execution thereof by the substituted Surety, be liable to any Stamp Duty whatever.

Suspension of Licence for Want of Surety.

39. Where a licensed Person fails to present to the Justices, as by this Act required, a Person to be a substituted Surety, or the Person presented is not approved by the Justices as a sufficient Surety, or being approved by them does not execute the Public House Bond, then the Public House Licence or the Retailing Licence held by the licensed Person, and his Excise Licence obtained by virtue thereof, and held by him, shall thereupon be suspended, and shall be of no Force or Effect until a sufficient Person is presented to and approved by the Justices as a substituted Surety and executes the Bond.

Notice of proposed Surety.

40. No Person shall be offered as an original or substituted Surety in a Public House Bond until at least *Fourteen* Days after the Day on which Notice in Writing specifying his Name, Address, and Quality is delivered to the Clerk to the Justices.

Hours for Sale of exciseable Liquors.

41. From and after the Commencement of this Act, no Person, whether having any Licence or not, shall sell, barter, exchange, or for valuable Consideration otherwise dispose of by Retail any exciseable Liquor, or offer so to do, or open or keep open any Premises for the Sale by Retail of any exciseable Liquor at any Time other than during the Hours following; (that is to say,)

(a.) On Sunday, Christmas Day, Good Friday, or a Day appointed for a Public Fast or Thanksgiving during the Hours between *One* and *Three* o'Clock in the Afternoon, and during the Hours between *Eight* and *Ten* o'Clock in the Afternoon:

(b.) On any other Day during the Hours between *Seven* o'Clock in the Forenoon and *Eleven* o'Clock in the Afternoon:

Provided that the Council of a Corporate Borough or the Local Board of a District in which this Act is in force may from Time to Time by Resolution at a Special Meeting further limit the Hours of being open or selling, or prohibit opening and selling altogether on Sunday, Christmas Day, Good Friday, and every Day appointed for a Public Fast or Thanksgiving: Provided also, that this Section shall not preclude the Sale at any Time, by a Person duly licensed in that Behalf, of exciseable Liquors to Lodgers on the Premises in respect of which the Person is licensed, or to Travellers.

42. A Public

Disqualification for Licence.

42. A Public House Licence shall not be granted or transferred to—

(a.) Any Person who does not fulfil the Requirements of this Act with respect to the Grant or Transfer:

(b.) Any Person who within *Three* Years next before the Day of the Application for the Grant or Transfer has had any Licence held by him for the Sale of any exciseable Liquor adjudged void:

(c.) Any Person convicted under this Act of forging or counterfeiting any Certificate, or using or producing for Use any forged or counterfeit or false Certificate.

Licence of Persons convicted of Three Offences in Two Years void.

43. If any Person licensed under the scheduled Acts or any of them, or this Act, to sell by Retail any exciseable Liquor to be consumed on the Premises, be convicted Thrice within *Two* Years of any Offence committed by him against the scheduled Acts or any of them, or this Act, every Licence so held by him shall, on the Expiration of *Five* Days after the *Third* Conviction within *Two* Years, be and be adjudged to be absolutely void, and during the *Three* Years next after the Day of the *Third* Conviction within the *Two* Years he shall not be entitled to take or hold any Licence under the scheduled Acts or any of them, or this Act, for the Sale of any exciseable Liquor.

Where PublicHouse or Retailing Licence suspended or void, Licence for Excise to be suspended or void.

44. Where any Public House Licence or Retailing Licence is suspended under the scheduled Acts or any of them, or this Act, every Licence from the Excise obtained by virtue thereof shall thereupon be also in like Manner suspended; and where any Public House Licence or Retailing Licence becomes void under the scheduled Acts or any of them, or this Act, every Licence from the Excise obtained by virtue thereof shall thereupon also be void; and where any Public House Licence or Retailing Licence is under the scheduled Acts or any of them, or this Act, suspended or void, the Clerk to the Justices shall forthwith give Notice in Writing of the Suspension or Avoidance, and the Cause thereof, to the Commissioners of Inland Revenue, or the Collector of Excise for the District or Place.

Penalty for selling exciseable Liquors without Licence, &c.

45. Every Person, other than the Persons entitled to the Benefit of the Proviso to Section Eighteen of the General Licensing Act, who—

(I.) Not being duly licensed in that Behalf—

(a.) Sells, barters, exchanges, or for valuable Consideration otherwise disposes of by Retail, any exciseable Liquor to be consumed on or removed from his Premises; or

(b.) Suffers any exciseable Liquor to be sold, bartered, exchanged, or for valuable Consideration otherwise disposed of on or removed from his Premises; or

(II.) Being duly licensed to sell by Retail any exciseable Liquor to be consumed on his Premises,

(c.) Sells, barters, exchanges, or for valuable Consideration otherwise disposes of by Retail any exciseable Liquor to be consumed on his Premises, not being the Premises specified in the Licence; or

(d.) Suffers any exciseable Liquor to be so sold, bartered, exchanged, or for valuable Consideration otherwise disposed of; or

(e.) Suffers to be consumed on his Premises on any Day or during any Hour prohibited by Law or by his Licence any exciseable Liquor so sold, bartered, exchanged, or for valuable Consideration otherwise disposed of;

(f.) Offends in any other respect against the Tenor of his Licence,

Shall for every such Offence forfeit and pay not exceeding *Twenty* Pounds, and on his Conviction any or every Licence under the scheduled Acts or any of them, or this Act, held by him for the Sale by Retail of any exciseable Liquor, shall be and be adjudged to be absolutely void to all Intents, and he shall not at any Time within *Three* Years after the Day of the Conviction be entitled to take out or hold under the scheduled Acts or any of them, or this Act, any Licence for the Sale of any exciseable Liquor.

On Conviction for unlawful Sale, &c., Purchaser, &c. to be guilty of aiding and abetting.

46. Where any Person is convicted under the scheduled Acts or any of them, or this Act, of selling, bartering, exchanging, or for valuable Consideration otherwise disposing of by Retail, any exciseable Liquor, during the Hours prohibited by Law or by his Licence, or on any Premises in respect of which he is not duly licensed, or without his being duly licensed, every Person assisting as Servant or otherwise the Person so offending, and every Person to whom the Liquor is so unlawfully sold, bartered, exchanged, or disposed of, shall, on its being proved to the Satisfaction of Two Justices that he was aware of the unlawfulness of the Sale, Barter, Exchange, or Disposal, be deemed guilty of the Offence of aiding and abetting the Person so offending, and shall for every such Offence, on Conviction, pay a Penalty not exceeding *One Half* of the Amount of the Penalty imposed on the principal Offender.

Warrant for Officers, &c. to enter suspected Premises.

47. Where any Excise Officer or Peace Officer has reasonable Cause to suspect that any exciseable Liquor is unlawfully making or made, or is unlawfully sold, bartered, exchanged, or for valuable Consideration

Consideration otherwise disposed of, or offered so to be, on the Premises of any Person not duly licensed in that Behalf, or on any Premises of any duly licensed Person not being the Premises specified in his Licence, then, upon Oath by the Officer before One or more Justice or Justices, setting forth the Ground of Suspicion, the Justice or Justices, if they or he deem it reasonable, may, by Special Warrant under Hand and Seal, authorize the Officer, and, if necesary, with Assistance, by Day or by Night, to enter into and search the Premises specified in the Warrant.

Entry and Search of suspected Premises, and Seizure of Liquors, &c.

48. The Officer so authorized, and his Assistants, if any, may enter into and thoroughly search the Premises specified in the Warrant, and in case of Resistance may break open any Door or Window, and force and remove any Obstruction to the Entry and Examination, and may seize and carry away any exciseable Liquors found therein; and all such Liquors so seized shall, on Conviction of the Person charged with the Offence, be forfeited to the Crown, and be disposed of as the Commissioners of Inland Revenue, or the Collector of Excise for the District or Place, shall direct.

Persons found on suspected Premises to be taken into Custody, &c.

49. The Officer so authorized, and his Assistants, if any, may take into Custody every or any Person found at the Time of the Entry or Search on the Premises so entered; and every Person so found without lawful Excuse (the Proof of which shall be on him) shall forfeit and pay not exceeding *Five* Pounds, with Costs of Conviction, or be imprisoned in the Common Gaol, with or without Hard Labour, for not exceeding *One* Month.

Not to affect Provisions in scheduled Acts as to Beerhouses, &c.

50. *Nothing herein contained shall affect the Provisions as to Offences contained in any of the scheduled Acts relating to Beer-houses or Refreshment Houses, or the Holder of a Beer Licence, Wine Licence, or Refreshment House Licence.*

Offences against scheduled Acts to be Offences against this Act.

51. If any thing be done by a Person holding a Public House Licence which if he held a Retailing Licence would be an Offence against any of the scheduled Acts, the Offender may be proceeded against for the Recovery of the like Penalty, and may be punished in the like Manner, and his Conviction shall be attended and followed by the like Consequences and Incidents, as if the Offence were an Offence against the respective scheduled Act.

Recovery, &c. of Penalties.

52. Except only as is by this Act otherwise expressly provided, all the Provisions of the General Licensing Act with respect to the Recovery, Mitigation, and Application of Penalties, and all the Provisions of that Act with respect to Convictions for Offences

under that Act, apply to the Recovery, Mitigation, and Application of Penalties under this Act, and the Convictions for Offences under this Act, and all Penalties under this Act, shall accordingly be recovered, mitigated, and applied, and all Convictions under this Act shall accordingly be made in like Manner, as is provided by the General Licensing Act, provided that all such Convictions shall be by Two Justices.

Application of Provisions of Excise Acts.

53. *All Sections, Provisions, Regulations, and Penalties contained in any Act relating to the Duties of Excise, and now in force, with respect to the granting of any Licence for the Sale of any exciseable Liquor, or relating to the Sale of any exciseable Liquor without a proper Licence in that Behalf, shall be applied, observed, and in force with respect to every Excise Licence, in like Manner as if those Sections, Provisions, Regulations, and Penalties were repeated and re-enacted, mutatis mutandis, in this Act, with respect to the Excise Licence, and the Duty chargeable thereon.*

Act not to affect Penalties under Excise Acts.

54. *Nothing in this Act shall repeal, alter, or affect any Penalty imposed by any Act relating to the Revenue of Excise upon any Person selling any exciseable Liquor without a proper Licence in that Behalf from the Excise, or any Provision of any such Act relating to the Recovery, Mitigation, or Application of the Penalty.*

Restriction of Appeals to Quarter Sessions or Judge of Assize.

55. From and after the Commencement of this Act, an Appeal against any Decision by any Justice in or concerning the Execution of this Act shall not be made to any Court other than the General Quarter Sessions of the District, or Place, Borough, or the Judge of Assize sitting at Nisi Prius, at an Assize for the County or Division of a County in which the District or Place is.

Appeal to Quarter Sessions or to Judge of Assize.

56. Any Person who thinks himself aggrieved by any Decision by any Justice in or concerning the Execution of this Act may appeal against the Decision to the then next General Quarter Sessions for the District or Place, or to One of Her Majesty's Judges of Assize sitting at Nisi Prius at the then next Assize holden for the County or Division of a County in which the District or Place is, unless the Session or Assize be holden within *Twelve* Days next after the Decision, and in that Case to the next following General Quarter Sessions or Assize, and not afterwards.

Notice of Appeal, and Recognizance to try Appeal, &c.

57. Provided, That the Appellant shall, within *Five* Days next after the Decision and *Seven* Days at least before the General Quarter Sessions or Assize, give to the Respondent Justice Notice in

in Writing of his Intention to appeal, and of the Cause and Matter thereof, and shall within the *Five* Days, with Two sufficient Sureties, enter before a Justice into a Recognizance to try the Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as the Court award; and upon the Notice being given, and the Recognizance being entered into, the Decision appealed against shall not take effect until the Appeal is determined; and the Justice before whom it is entered into shall liberate the Appellant, if in Custody for any Offence with respect to which the Decision appealed against was made.

Power for Justice to compel Attendance of Witnesses.

58. The Justice before whom the Recognizance is entered into shall have all such and the like Powers for compelling the Attendance of Persons to give Evidence on the Hearing of the Appeal as by Section Twenty-eight of the General Licensing Act are conferred on the Justice therein mentioned.

Hearing of Appeal.

59. The Court at the General Quarter Sessions or Assize shall hear and determine the Matter of the Appeal, and make such Order therein, with or without Costs, as the Court deem meet; and the Judgment of the Court shall be final to all Intents, provided that the Appeal, if heard at any Assize, shall be set down for Hearing in like Manner as a Cause at Nisi Prius.

Power for Court to grant, transfer, or remove Licence.

60. Where the Decision appealed against is the Refusal to grant or transfer or remove any Licence, and the Judgment in respect of which the Decision appealed against was made is reversed, the Court may grant or transfer or remove the Licence, in like Manner as if the Licence were granted at the General Annual Licensing Meeting, or were transferred at the Special Session, or were removed at the General Annual Licensing Meeting or the Special Session.

If Appeal dismissed, &c., Judgment to be carried into execution.

61. Where the Appeal is dismissed, or the Judgment in respect of which the Decision appealed against was made is affirmed, the Court shall adjudge and order the Judgment to be carried into execution, and the Costs awarded to be paid, and shall, where necessary, issue Process for enforcing the Order.

Court may award Costs to Respondent.

62. Where the Appeal is dismissed or abandoned, or the Judgment appealed against is affirmed, the Court shall have all such and the like Powers for adjudging and enforcing the Payment of Costs as by Section Twenty-nine of the General Licensing Act are conferred on the Courts therein mentioned, and also Power to adjudge and order the Treasurer of the Metropolitan Police District, or (as the Case happens) of the City of London, or of the Corporate

Borough, or of the Local Board, to pay to any Justice whose Judgment is reversed such a Sum as in the Opinion of the Court is sufficient to indemnify him against all Costs and Charges whatsoever to which he is put in and about the Appeal, and the respective Treasurer shall pay the same out of Monies in his Hands as Treasurer, and shall be allowed the same in his Accounts.

Licence for Dancing.

63. The Occupier of any House or Premises licensed under any of the scheduled Acts or this Act for the Sale of any exciseable Liquor to be drunk on the Premises shall not permit or suffer any Dancing in or upon the House or Premises without an annual Licence for that Purpose, to be from Time to Time granted by the Justices, if they think fit, at the General Annual Licensing Meeting, for which Licence no Fee shall be payable; and every Person who acts in contravention of this Section shall for every such Offence forfeit not exceeding *Five* Pounds.

Act to override scheduled Acts.

64. This Act shall over-ride the scheduled Acts, save only that Sections Seven and Ten of "The Public House Closing Act, 1864," and Sections Two, Three, and Five of "The Public House Closing Act, 1865," shall continue in full Force, and Licences under those Acts respectively shall be available notwithstanding this Act.

The

The SCHEDULES referred to in the aforegoing Act.

SCHEDULE (A.)

[*Public House Licence*] *or* [*Retailing Licence*], *as the Case may be.*

Borough of [*or, as the Case happens*], to wit:

At the General Annual Licensing Meeting of Her Majesty's Justices of the Peace acting in and for [*the District or Place*], holden on the Day of in the Year of our Lord 186 for the Purpose of granting Licences to Persons keeping Public Houses to sell exciseable Liquors by Retail to be drunk or consumed on the Premises, we, being certain of Her Majesty's Justices of the Peace acting in and for [*the District or Place*], and being the Majority of those assembled at the Sessions, do hereby license at the Public House known by the Sign of the in Street in to sell by Retail therein, but not elsewhere, any Victuals, and also all exciseable Liquors, for such Time as by an Excise Licence granted in pursuance of this Licence he is licensed to sell the same, and to permit all such Victuals and exciseable Liquors to be drunk or consumed in the Public House, but not elsewhere: Provided that he (1.) do not fraudulently adulterate or dilute the same, and (2.) do not sell the same knowing them to have been fraudulently adulterated or diluted, and (3.) do not use in selling the same any Weights or Measures not of the legal Standard, and (4.) do not sell by any Weight or Measure as and for the Quantity usually designated by the respective Weight or Measure more or less than the Quantity which the Standard Weight or Measure of the same Designation as the Weight or Measure used weighs or Measure contains, and (5.) do not sell any Groceries or uncooked Provisions to be consumed elsewhere, and (6.) do not wilfully or knowingly permit Drunkenness or other disorderly Conduct in the Public House, and (7.) do not knowingly permit any unlawful Games or any Gaming whatsoever therein, and (8.) do not knowingly permit or suffer Persons of notoriously bad Character to assemble and meet together therein, but (9.) do maintain good Order and Rule therein, and (10.) do not sell or supply any exciseable Liquor to any Girl or Boy apparently under Sixteen Years of Age, or to any Person who is in a State of Intoxication, and (11.) do not receive or take as the Price or for the Supply of exciseable Liquor any Wearing Apparel, Goods, or Chattels, and (12.) do not keep open the Public House, or permit or suffer any drinking therein, or sell or give out therefrom any Liquor, before Seven of the Clock in the Morning or after Eleven of the Clock in the Afternoon of any Day, except to Lodgers on the Premises, or to Travellers, and (13.) do not open the Public House for the Sale of any Liquors, or permit or suffer any drinking therein, or sell or give out the same or any other Goods or Commodities [before One o'Clock in the Afternoon nor between Three o'Clock and Eight o'Clock nor after Ten o'Clock in the Afternoon] on Sunday, Christmas Day, Good Friday, or any Day appointed for a Public Fast or Thanksgiving [except to Lodgers on the Premises, or to Travellers], and (14.) do not transgress or commit any Breach of the Conditions of any special Permission to sell exciseable Liquors within prohibited Hours, and (15.) do not

permit or suffer any of those prohibited Things to be done at the Public House. And this Licence shall continue in force from the Tenth Day of October next for One whole Year, and no longer, provided that and the Premises in all respects during the whole of that Period comply with and conform to the Provisions of "The Public House Licensing Act, 1867," and that he do not during that Period become a Sheriff's Officer or an Officer for executing the Process of any Court of Justice, in any of which Cases the Licence shall be void.

Given under our Hands and Seals, the Day and Year first above written.

SCHEDULE (B.)

Public General Acts.

4 *George IV. Chapter* 81.—*An Act to repeal several Duties payable on Excise Licences in Great Britain and Ireland, and to impose other Duties in lieu thereof, and to amend the Laws for granting Excise Licences.*	*The General Excise Act.*
9 George IV. Chapter 61.—An Act to regulate the granting of Licences to Keepers of Inns, Alehouses, and Victualling Houses in England.	The General Licensing Act.
1 *William IV. Chapter* 64.—*An Act to permit the General Sale of Beer and Cider by Retail in England.*	*The General Sale of Beer Act.*
4 & 5 *William IV. Chapter* 85.—*An Act to amend an Act passed in the First Year of His present Majesty, to permit the general Sale of Beer and Cider by Retail in England.*	*The Sale of Beer Act,* 1834.
3 & 4 *Victoria, Chapter* 61.—*An Act to amend the Acts relating to the general Sale of Beer and Cider by Retail in England.*	*The Sale of Beer Act,* 1840.
5 & 6 Victoria, Chapter 44.—An Act for the Transfer of Licences and Regulation of Public Houses.	The Transfer of Licences Act.
11 & 12 Victoria, Chapter 49.—An Act for regulating the Sale of Beer and other Liquors on the Lord's Day.	The Lord's Day Act.
18 & 19 Victoria, Chapter 118.—An Act to repeal the Act of the 17th & 18th Years of the Reign of Her present Majesty, for further regulating the Sale of Beer and other Liquors on the Lord's Day, and to substitute other Provisions in lieu thereof.	The Lord's Day Amendment Act.
23 *Victoria, Chapter* 27.—*An Act for granting to Her Majesty certain Duties on Wine Licences and Refreshment Houses, and for regulating the licensing of Refreshment Houses, and the granting of Wine Licences.*	*The Refreshment Houses Act,* 1860.

24 & 25 *Victoria, Chapter* 21.—*An Act for granting to Her Majesty certain Duties of Excise and Stamps.*	*The Excise Act,* 1861.
24 & 25 *Victoria, Chapter* 91.—*An Act to amend the Laws relating to the Inland Revenue.*	*The Inland Revenue Act,* 1861.
27 & 28 Victoria, Chapter 64.—An Act for further regulating the closing of Public Houses and Refreshment Houses within the Metropolitan Police District, the City of London, certain Corporate Boroughs, and other Places.	Public House Closing Act, 1864.
28 & 29 Victoria, Chapter 77.—An Act to amend the Act of the 27 & 28 Victoria, Chapter 64, commonly called "The Public House Closing Act, 1864."	Public House Closing Act, 1865.

Local Acts.

Any or every Act from Time to Time in force within the District or Place, and containing any Provision with respect to Public Houses, Refreshment Houses, or Beerhouses within the District or Place.

SCHEDULE (C.)

Duties of Excise on Excise Licenses under the foregoing Act.

A.—Where the Premises in respect of which the Excise Licence is granted are not to be altogether closed against the Sale of all exciseable Liquors during the whole of every Sunday, Christmas Day, and Good Friday, and every Day appointed for a Public Fast or Thanksgiving (except to Lodgers on the Premises)—,

Population of the District or Place by the then last Census.	*Rateable yearly Value of the Public House.*	*Duty on Excise Licences.*
	£	£
Not exceeding 5,000	*15*	*10*
Exceeding 5,000 and not exceeding 10,000	*20*	*14*
Exceeding 10,000 and not exceeding 20,000	*25*	*16*
Exceeding 20,000 and not exceeding 30,000	*30*	*20*
Exceeding 30,000 and not exceeding 40,000	*35*	*24*
Exceeding 40,000 and not exceeding 50,000	*40*	*27*
Exceeding 50,000 and not exceeding 75,000	*45*	*30*
Exceeding 75,000	*50*	*35*

Provided that the Excise Duty shall be regulated by the actual rateable Value of the Premises in respect of which it is granted.

B.—Where the Premises in respect of which the Excise Licence is granted are to be altogether closed against the Sale of all exciseable Liquors during the whole of every Sunday, Christmas Day, and Good Friday, and every Day appointed for a Public Fast or Thanksgiving (except to Lodgers on the Premises),—

An Excise Duty equal to Thirty per Centum less than the respective Duty above stated.

Public Houses Regulation.

A

BILL

For the better Regulation of Public Houses, Refreshment Houses, and Beerhouses.

(*Prepared and brought in by Mr. Graves, Mr. Horsfall, and Mr. Hibbert.*)

Ordered, by The House of Commons, *to be Printed,* 19 *March* 1867.

[Bill 83.]

Under 4 *oz.*

A

BILL

TO

Amend and consolidate the Public Libraries Acts (Scotland).

WHEREAS it is expedient to amend and consolidate the Public Libraries Acts relating to Scotland, and to give greater Facilities for the Formation and Establishment there of Public Libraries, Art Galleries, and Museums: Preamble.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Public Libraries Act (Scotland), 1854, and so much of the Public Libraries Amendment Act (England and Scotland), 1866, as relates to Scotland, repealed.

1. The Public Libraries Act (Scotland), 1854, and so much of the Public Libraries Amendment Act (England and Scotland), 1866, as relates to Scotland, are hereby repealed, but such Repeal shall not invalidate or affect anything already done in pursuance of these Acts or either of them; and all Public Libraries and Museums established in Scotland under these Acts or either of them shall be considered as having been established under this Act.

Interpretation of Terms.

2. In the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned, if not

inconsistent with the Context or Subject Matter; that is to say,

The Expression "Parliamentary Burgh" shall mean a Burgh or Town to which Magistrates and Councils were provided by the Act of the Third and Fourth Years of King William the Fourth, Chapter Seventy-seven:

The Word "District" shall mean a Burgh of Barony, a Burgh of Regality, or any other populous Place, not being a Town or Burgh to which Magistrates and Councils were provided by the said Act of the Third and Fourth Years of King William the Fourth, Chapter Seventy-seven, where any Special, Local, or General Police and Improvement Act is in force:

The Word "Board" in Parishes shall mean the Parochial Board acting under the Powers and in execution of the Act of the Eighth and Ninth Victoria, Chapter Eighty-three, and in Districts it shall mean the Commissioners, Trustees, or other Body of Persons, by whatever Name distinguished, for the Time being in Office, and acting in execution of any Special, Local, or General Act, being an Act for draining, cleansing, paving, lighting, watching, or otherwise improving a Place, or for any of these Purposes:

The Word "Householders" in all Burghs shall mean all Persons entitled to vote in the Election of Members of Parliament; but in Districts it shall mean all Persons assessed under and for the Purposes of any Special, Local, or General Police and Improvement Act which may be in force therein; and in Parishes it shall mean all Ratepayers under the Act of the Eighth and Ninth Victoria, Chapter Eighty-three:

The Expression "Police Rates" shall mean the Rates, Tolls, Rents, Income, and other Monies whatsoever which under the Provisions of any Police Act shall be applicable for the general Purposes of such Act.

Meeting to be called for considering the Adoption of this Act in any Burgh, District, or Parish.

3. Upon the Requisition in Writing of the Magistrates and Council or of *Ten* Householders in any Royal Burgh, Parliamentary Burgh, District, or Parish, the Chief or Senior Magistrate of such Burgh, or in the Case of a District or Parish the Sheriff of the County or his Substitutes, shall, within *Ten* Days after the Receipt of such Requisition, convene a Meeting of Householders, and preside at the same for the Purpose of considering whether this Act shall be adopted for such Burgh, District, or Parish, such Meeting to be held in any convenient Place on a Day not less than *Twenty-one* Days or more than *Thirty* Days after the Receipt of such Requisition; and Notice of the Time and Place of such Meeting shall be given by affixing the same upon the Doors of the Parish

Parish Churches within such Burgh, District, or Parish, and also by advertising the same in at least One Newspaper published or circulated within such Burgh, District, or Parish not less than *Seven* Days preceding the Day of Meeting.

Act may be adopted at the Meeting by a Majority.

4. If at such Meeting it shall be determined by a Majority of Householders present that the Provisions of this Act shall be adopted in such Burgh, District, or Parish, then the same shall from thenceforth come into operation therein: Provided always, that the Chairman of the Meeting shall cause a Minute to be made of the Resolutions of the Meeting, and shall sign the same; and the Resolutions so signed shall be conclusive Evidence that the Meeting was duly convened and the Vote thereat duly taken, and that the Minute contains a true Account of the Proceedings thereat.

Chairman of Meeting to cause a Minute to be made, and shall sign the same.

Expenses of carrying this Act into execution in Burghs and Districts to be paid out of the Police Rate.

5. The Expenses incurred in calling and holding such Meeting, whether this Act shall be adopted or not, and the Expenses of carrying this Act into execution when adopted, shall, in the Case of a Burgh or District, be paid out of the Police Rate, and the Magistrates and Council of such Burgh, or the Board of such District, shall yearly levy as Part of the Police Rate, or by a separate Rate, to be made, levied, and recovered by the Magistrates and Council of such Burgh or the Board of such District in such and the like Manner, from the same Descriptions of Persons and Property, and with and under the like Powers, Provisions, and Exceptions as the General Assessments leviable under the Acts of the Thirteenth and Fourteenth Victoria, Chapter Thirty-three, and of the Twenty-fifth and Twenty-sixth Victoria, Chapter One hundred and one, for Police and other Purposes, are authorized to be made, levied, and recovered, and as if such Magistrates and Council or the Board of such District were Commissioners elected under any of these Acts, and the said Assessments were Part of the General Assessments authorized to be thereby made; and in the Case of a Parish the Board shall pay the Expenses aforesaid out of a Rate to be made, levied, and recovered in like Manner, and from the same Description of Persons and Property, and with and under the like Powers, Provisions, and Exceptions, as the Poor Rate leviable under the Act of the Eighth and Ninth Victoria, Chapter Eighty-three: Provided always, that nothing herein contained shall prevent the City of Glasgow or other Place from levying a Rate for the Purposes of this Act, in conformity with the Provisions of any Local Police and Improvement Act which may for the Time being be in force in said City of Glasgow or other Place.

Rate levied not to exceed the Sum of

6. The Amount of the Rate to be so levied for the Purposes of this Act in any Burgh, District, or Parish in any One Year shall not

One Penny in the Pound of yearly Rent.

not exceed the Sum of *One Penny* in the Pound of yearly Rent, and the Magistrates and Council of any Burgh, or the Board of any District or Parish, shall provide and keep Books in which shall be entered true and regular Accounts of their Receipts, Payments, and Liabilities with reference to the Execution of this Act, to be called "The Public Libraries Account;" and such Books shall, without Fee or Reward, and at all reasonable Times, be open to the Inspection of every Person liable to be assessed by virtue of this Act, who respectively may, without paying for the same, take Copies of or make Extracts from such Books; and in case such Magistrates and Council of any Burgh, or Board of any District or Parish, or any of them respectively, or any of their respective Officers or Servants having the Custody of such Books, shall not permit the same to be inspected, or Copies of or Extracts from the Accounts to be made or taken, every Person so offending shall for every such Offence forfeit any Sum not exceeding *Five Pounds*, such Penalty to be recovered before the Sheriff or Justices of the Peace in like Manner as provided for the Recovery of Small Debts, and to be applied when recovered towards the Purposes of this Act.

The Accounts of the Magistrates and Council, or the Board of any District or Parish, to be open to Inspection.

Power to Council or Board to borrow on Mortgage or Bond.

7. For carrying this Act into execution, the Magistrates and Council of any Burgh or the Board of any District or Parish respectively may, with the Approval of Her Majesty's Treasury, from Time to Time borrow at Interest on the Security of a Mortgage or Bond of the Rates levied in pursuance of this Act such Sums of Money, to be repaid by yearly Instalments within a Period not exceeding *Thirty* Years, as may be by them respectively required; and the Commissioners for carrying into execution the Act of the Ninth and Tenth Victoria, Chapter Eighty, may from Time to Time advance and lend such Sums of Money.

Provisions of 8 & 9 Vict. c. 16. as to Borrowing Powers extended to this Act.

8. The Clauses and Provisions of "The Companies Clauses Consolidation (Scotland) Act, 1845," with respect to the borrowing of Money on Mortgage or Bond, and the Accountability of Officers, and the Recovery of Damages and Penalties, so far as such Provisions may respectively be applicable to the Purposes of this Act, shall be respectively incorporated with this Act.

Boundaries of Burghs, &c.

9. The Boundaries of Royal Burghs, Parliamentary Burghs, and Districts shall be the same as the Boundaries declared for such Burghs and Districts by and for the Purposes of the Acts of the Thirteenth and Fourteenth Victoria, Chapter Thirty-three, and Twenty-fifth and Twenty-sixth Victoria, Chapter One hundred and one, or any Local Police Act which may for the Time being be in force in any such Burghs or Districts.

10. The

Lands, &c. may be appropriated, purchased, or rented for the Purposes of this Act.

10. The Magistrates and Council of any Burgh or the Board of any District or Parish, as the Case may be, may from Time to Time appropriate for the Purposes of this Act any Lands or Buildings vested in them, and also out of the Rates levied or Money borrowed as herein provided purchase, feu, or rent any Land or any suitable Building, and may upon any Land so appropriated, rented, feued, or purchased erect any Buildings suitable for Public Libraries, Art Galleries, or Museums, or each respectively, and may alter or extend any Buildings for such Purposes, and repair and improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite Furniture, Fittings, and Conveniences.

Certain Clauses of 8 & 9 Vict. c. 19. incorporated with this Act.

11. All the Clauses and Provisions of the "Lands Clauses Consolidation Act (Scotland), 1845," with respect to the Purchase of Lands by Agreement, and with respect to the Purchase Money or Compensation coming to Parties having limited Interests, or prevented from treating, or not making a Title, and also with respect to Conveyances of Lands, so far as the same Clauses and Provisions respectively are applicable to the Cases contemplated by the last Section, shall be incorporated in this Act; and the Expression "the Special Act," used in the said Clauses and Provisions, shall be construed to mean this Act; and the Expression "the Promoters of the Undertaking," used in the same Clauses and Provisions, shall be construed to mean the Magistrates and Council of the Burgh in question.

Lands, &c. may be sold or exchanged.

12. The Magistrates and Council of any Burgh and the Board of any District or Parish may sell any Land, Buildings, or other Property vested in them for the Purposes of this Act, or exchange the same for any Land, Buildings, or other Property better adapted for the Purposes, and may also sell or exchange any Books, Works of Art, or other Property of which there may be Duplicates; and the Monies to arise from such Sale or Exchange shall be applied for the Purposes of this Act.

Property of Library, &c. to be vested in Magistrates and Councils of Burghs, and Boards of Districts or Parishes.

13. The Lands and Buildings so to be appropriated, purchased, or rented, and all other Real or Personal Property whatever presented to or purchased for any Library, Art Gallery, or Museum established under this Act, shall, in the Case of a Burgh, be vested in the Magistrates and Council, and in the Case of a District or Parish in the Board.

General Management to be vested in a

14. The Magistrates and Council of any Burgh or the Board of any District or Parish where this Act has been adopted shall, within One Month after its Adoption, and thereafter from Year

Committee appointed by Magistrates and Councils of Burghs and Boards of Districts or Parishes.

to Year, in the Case of a Burgh at the First Meeting after the annual Election of Town Councillors, in the Case of a District at the First Meeting after the annual Election of Police Commissioners, and in the Case of a Parish at the First Meeting after the annual Meeting for the Election of representative Members of the Parochial Board, appoint a Committee, one Moiety of which shall be Magistrates and Councillors or Members of the Board, and the remaining Moiety shall be chosen from amongst the Householders within such Burgh, District, or Parish, as the Case may be; and such Committee so appointed shall have Power to purchase Books, Statuary, Pictures, Engravings, Maps, and Specimens of Art and Science, for the Establishment, Increase, and Use of such Libraries, Art Galleries, and Museums, and to do all things necessary for keeping the same in a proper State of Preservation and Repair; and such Committee shall manage, regulate, and control such Libraries, Art Galleries, and Museums, and shall make Rules and Regulations for the Safety and Use of the same, and shall also have Power to appoint salaried Officers and Servants, to pay and dismiss them, and from Time to Time to provide the necessary Fuel, Lighting, and other Matters.

If the Meeting determine against the Adoption of the Act, no other Meeting to be called for a Year.

15. If any Meeting called as aforesaid to determine as to the Adoption of this Act for any Burgh, District, or Parish shall determine against the Adoption, no Meeting for a similar Purpose shall be held for the Space of *One* Year at least from the Time of holding the previous Meeting.

Art Galleries or Museums may be added to Public Libraries.

16. Wherever a Public Library has been established under any Act relating to Public Libraries or Museums, or shall hereafter be established under this Act, an Art Gallery or Museum, as the Case may be, may at any Time be established in connexion therewith, without any further Proceedings being taken under this Act.

Libraries, &c. to be free.

17. All Libraries, Art Galleries, or Museums established under this Act shall be open to the Public free of all Charge.

Short Title.

18. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The Public Libraries Act (Scotland), 1867."

Public Libraries (Scotland) Acts Amendment.

A

BILL

To amend and consolidate the Public Libraries Acts (Scotland).

(*Prepared and brought in by Mr. Ewart and Sir John Ogilvy.*)

Ordered, by The House of Commons, *to be Printed*, 26 *March* 1867.

[Bill 92.]

Under 1 *oz.*

A

B I L L

TO

Provide for keeping safely the Public Records of Ireland.

WHEREAS the Public Records in Ireland are in the Keeping of several Persons, and many are kept in unfit Buildings, and it is expedient to establish One Record Office and a better Custody, and to allow the free Use of the said Records, as far as may be consistent with their Safety and with the Public Policy of the Realm: Preamble.

And whereas a large and commodious Building has been erected in the Neighbourhood of the Four Courts in Dublin for the Purpose of serving as a Public Record Office: Be it therefore enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited for all Purposes as "The Public Records (Ireland) Act, 1867." Short Title.

2. This Act shall extend to Ireland only. Extent of Act.

3. In this Act the Word "Records" shall be taken to mean all Rolls, Records, Writs, Books, Proceedings, Decrees, Bills, Warrants, Interpretation Clause. 1 & 2 Vict. c. 94. s.

rants, Accounts, Papers, and Documents whatsoever, of a public Nature, belonging to Her Majesty, or now deposited in any of the Offices or Places of Custody herein-after mentioned. The Expression "Lord Lieutenant" and "Master of the Rolls" shall mean the Lord Lieutenant or other Chief Governor or Governors of Ireland, and the Master of the Rolls in Ireland respectively.

Commencement of Act.

4. This Act shall commence and have effect on the Day of 1867.

Records to be in the Custody of the Master of the Rolls.

5. The Records belonging to Her Majesty herein-after mentioned; that is to say,

All the Records of the Court of Chancery which now are or ought to be deposited in the Rolls Office, and all other Records of the same Court, in whatsoever Custody they are deposited, which shall be of the Age of *Twenty* Years from the making thereof:

All the Records of the Courts of Queen's Bench, Common Pleas, and Exchequer, Probate and Admiralty Courts, and of the former Court of Prerogative in whatsoever Custody they are deposited, which shall be of the Age of *Twenty* Years from the making thereof:

All the Records, Maps, Books, and Documents of whatsoever Nature or Kind now deposited in the Custom House Buildings, Dublin:

All original Wills of which Probate shall have been granted not later than *Twenty* Years in all Courts and Offices throughout Ireland having Testamentary Jurisdiction:

All the Bermingham Tower Plea, Pipe and other Rolls, and the Parliamentary Records, the Records deposited in the State Paper Department, except those which shall not be Fifty Years of Age from the making thereof, and all other Records (other than those appertaining to the Office of Ulster King of Arms) now deposited in the Record Tower, Dublin Castle:

All Records and Documents of any Courts, Commissions, or public Offices which shall have ceased to exist, and are not comprehended under the foregoing Denominations,

shall, from the *passing of this Act*, be under the Charge and Superintendence of the Master of the Rolls for the Time being, in the Name and on behalf of Her Majesty, Her Heirs and Successors, and shall be removed to the Public Record Office aforesaid in manner herein-after provided: Provided always, that until such Removal the Persons now having the Care of any such Records shall continue to have the Charge of them, subject to such Orders as

as the Master of the Rolls is herein empowered to give concerning the same.

Lord Lieutenant in Council may order Records in other Offices to be included in this Act. 1 & 2 Vict. c. 94. s. 2.

6. It shall be lawful for the Lord Lieutenant, with the Advice of the Privy Council in Ireland, to order that Records belonging to Her Majesty deposited in any Office, Court, Place, or Custody in Ireland, other than is herein-before mentioned, shall be thenceforth under the Charge and Superintendence of the Master of the Rolls; and thereupon the Provisions of this Act shall extend to all such Records, and to the Persons then having the Charge or Custody of the same as fully as if such Office, Court, Place, or Custody had been named and included in this Act.

Public Record Office established. 1 & 2 Vict. c. 94. s. 7.

7. The Commissioners of Public Works in Ireland shall, as soon as conveniently may be after the Commencement of this Act, deliver up to the Master of the Rolls the said Building in the Neigbourhood of the Four Courts in Dublin; and thereupon a Public Record Office shall be there established, under the Master of the Rolls, to be styled the "Public Record Office of Ireland;" and from and after the Time when the said Public Record Office shall be established, every Office or Place where Public Records, which by the Authority of this Act are placed under the Superintendence of the Master of the Rolls, are or shall be deposited, shall, so long as such Records remain therein, be deemed and taken to be a Branch or Part of the said Public Record Office.

Compensation to present Record Keepers.

8. All Keepers of Records and Persons deriving Emolument from any Office to which the Custody of Records is attached, or from Fees for searching or copying Records by virtue of any Office holden by them or any of them before or at the passing of this Act, whose Office, Profits, or Emoluments shall in anywise be affected by the passing of this Act, may deliver to the Master of the Rolls a Statement in Writing of any Losses they may thereby sustain, or of the Manner in which they may be thereby affected, and the Master of the Rolls shall have Power thereupon to examine the Parties and such other Persons as he may think fit, and shall report such Statements, and the Result of such Examinations, with his Opinion thereon, to the Lords Commissioners of Her Majesty's Treasury, who may award such Compensation to the said Record Keepers and Officers as they may think fit; and the Payment of any such Compensation shall be taken to be an Expense incurred for the Purposes of this Act: Provided always, that Account shall be taken of such Compensation in any Salary or Emolument to which any Person to whom the same shall be awarded may become entitled in virtue of any Appointment in the Public Record Office

or elsewhere in Her Majesty's Service: Provided also, that every Person who shall receive any Compensation under this Act shall, if appointed, take upon himself the Office of Deputy Keeper or Assistant Record Keeper in the Public Record Office, without prejudice nevertheless to his Right to Compensation under this Act, if afterwards removed from the said Office for any Cause other than for Misbehaviour.

Deputy Keeper of the Records to be appointed. 1 & 2 Vict. c. 94. s. 5.

9. The Lord Lieutenant, with the Consent of the Commissioners of Her Majesty's Treasury, shall appoint a fit Person, duly qualified by his Knowledge of Records, to be Deputy Keeper of the Records, and may remove the Deputy Keeper of the Records, and appoint another Person in his Room; and the Deputy Keeper of the Records shall act as Chief Record Keeper under the Master of the Rolls, and shall superintend all Persons employed in the Public Record Office, in keeping the Records in the Custody of the Master of the Rolls, and discharge all such other Duties as he may be required, subject to such Directions as he may from Time to Time receive from the Master of the Rolls.

Assistant Keeper, Clerks, Officers, and Servants to be appointed. 1 & 2 Vict. c. 94. s. 6.

10. The Lord Lieutenant, with the Consent of the Commissioners of Her Majesty's Treasury, shall appoint a fit Person, duly qualified by his Knowledge of Records, to be Assistant Deputy Keeper of the Records, and with the like Consent, all such Clerks, Officers, and Servants as shall be necessary for the Purposes of this Act, and the Persons so appointed shall assist in executing this Act under the Superintendence of the Deputy Keeper of the Records, in such Manner as the Master of the Rolls may direct; and the said Assistant Deputy Keeper of the Records shall be removable at pleasure by the Lord Lieutenant, and the said Clerks, Officers, and Servants shall be removable at pleasure by the Deputy Keeper of the Records, with the Approval of the Lord Lieutenant: Provided always, that the Assistant Deputy Keeper of the Records, the Clerks, Officers, and Servants shall in the first instance be appointed from among such Persons entitled to Compensation under this Act whom the Lord Lieutenant shall judge to be in all respects competent and fit to be appointed to such Offices or Service respectively.

Salary of Deputy Keeper, Assistant Deputy Keeper of the Records, and other Persons en-

11. *There shall be paid to the Deputy Keeper of the Records, to the Assistant Deputy Keeper of the Records, and to the Clerks, Officers, and Servants appointed as herein-before is provided, such annual Salaries as the Lord Lieutenant, with the Consent of the Commissioners of Her Majesty's Treasury, shall appoint, and the said Salaries shall be free from all Taxes and Deductions, except*

in

in respect of Income Tax, and shall be paid quarterly on the First Day of January, the First Day of April, the First Day of July, and the First Day of October in every Year, by equal Portions, out of such Funds as Parliament shall from Time to Time appoint for that Purpose.

gaged in execution of Act.

12. The State Papers belonging to the Office of the Chief Secretary to the Lord Lieutenant shall from Time to Time, by Order of the Lord Lieutenant, be removed to the Record Tower, Dublin Castle, and shall be there deposited, and shall remain in the Care of Sir Bernard Burke, Deputy Clerk of the State Paper Department, and of his Successors in the said Office, subject to the Charge and Superintendence of the Master of the Rolls; and whenever any such Records shall be of the Age of Fifty Years from the making thereof, the said Deputy Clerk shall certify to the Lord Lieutenant and the Master of the Rolls that such Records are proper to be removed to the said Public Record Office.

State Papers of Chief Secretary's Office to be removed in the first instance to Record Tower.

13. The Records belonging to the State Paper Department of the Record Tower, Dublin Castle, shall continue to be in the Care of the said Deputy Clerk, but subject to the Charge and Superintendence of the Master of the Rolls; and such Records shall be arranged and classified, and Indexes to the same shall be made by the said Deputy Clerk with due Diligence and in such Manner as the Master of the Rolls shall direct, and when the Arrangement, Classification, and Indexes of such Records, or of any Part thereof, shall be complete, the said Deputy Clerk shall certify to the Lord Lieutenant and the Master of the Rolls that such Records are in a fit Condition to be removed to the said Public Record Office.

Records in State Paper Department of the Record Tower to be kept there till arranged, &c.

14. *There shall be paid to Sir Bernard Burke, Deputy Clerk of the State Paper Department, so long as he shall hold the said Office, by way of Remuneration for the Duties by this Act imposed upon him, in addition to the annual Salary of Two hundred Pounds which he now receives for keeping the State Papers, a further annual Salary of Two hundred Pounds, which annual Salary of Four hundred Pounds shall be free from all Taxes and Deductions except in respect of Income Tax, and shall be paid quarterly on the First Day of January, the First Day of April, the First Day of October in every Year, by equal Portions, out of such Funds as Parliament shall from Time to Time appoint for that Purpose.*

Additional Salary to Sir Bernard Burke.

15. The Master of the Rolls shall, as soon as conveniently may be, issue Warrants directed to the several Persons having the Care of

Removal of Records to Public Record Office.

1 & 2 Vict. c. 94. s. 4.

of the said Records, ordering such Persons to allow them to be removed from their present Place of Custody, and deposited in the said Public Record Office; and every such Warrant shall be kept among the Public Records in the Custody of the Master of the Rolls, and shall be a sufficient Warrant for the Removal of such Records as shall be specified therein: Provided always, that nothing herein contained shall authorize the Removal of any of the Records in the State Paper Department of the Record Tower, or in the Chief Secretary's Office, Dublin Castle, until the same shall be certified by the Person having the Care thereof to be in a fit Condition to be removed, and that the Lord Lieutenant shall countersign the Warrant for Removal.

Accumulating Records to be delivered from Time to Time to the Master of the Rolls. 1 & 2 Vict. c. 94. s. 3.

16. After the *Commencement of this Act* the Records of the Chancery of Ireland, and of every Court or Public Office in Ireland, shall be deemed to be in the Custody of the Master of the Rolls under the Authority of this Act, and subject to the Regulations hereby authorized to be made; and the Master of the Rolls shall, by Warrant under his Hand, from Time to Time appoint a fit Person or fit Persons to attend all public Courts and Offices in Ireland, and in his Name to receive and take charge of all other Records of which the Charge and Superintendence are hereby vested in him; and the Chief Judge of the Court, or principal Officer of the Office to which the same shall belong, upon Sight of the Warrant of the Person thereby appointed to take charge of the Records then to be delivered from that Court or Office into the Custody of the Master of the Rolls, shall give the necessary Orders to the proper Officer or Officers of his Court or Office for the Delivery thereof; and as soon as the said Records shall have been so delivered to the Person so appointed to receive the same, in pursuance of such Warrant, the same shall be deemed to be in the Custody of the Master of the Rolls, and shall forthwith be removed to and deposited in the Public Record Office, and shall be subject to the Regulations hereby authorized to be made; and the Person receiving any Records shall thereupon deliver a Schedule thereof, and a Receipt for the same under his Hand, to the Judge or Officer from whom the same shall be received, and shall deliver a Copy of such Schedule to the Master of the Rolls, or the Officer by him appointed to receive the same into the Public Record Office: Provided always,

First—That no such Warrant be issued by the Master of the Rolls unless the same shall be first approved of and countersigned by the Lord High Chancellor of Ireland:

Secondly—That every such Warrant shall specify and describe the Records intended to be delivered to the Person thereby authorized to receive the same:

Thirdly

Thirdly—That the Master of the Rolls shall not issue any such Warrant for the Removal of any Records belonging to any of Her Majesty's Courts of Common Law, to the Court of Probate, to the Landed Estates Court, or to the Court of Admiralty, unless or until the Records described in such Warrant shall be of the Age of *Twenty* Years from the making thereof, or if the same be under that Age, unless the Removal thereof shall have been requested by the Chief Judge of the Court to which the same shall belong:

Fourthly—That if it shall appear to the Chief Judge of any such Court that it will be conducive to the Ends of Justice, or to the due Performance of the Business of such Court, that any Records belonging thereto should not be delivered into the Custody of the Master of the Rolls at the End of *Twenty* Years from the making thereof, it shall be lawful for such Chief Judge to certify such his Opinion to the Master of the Rolls, and that the Master of the Rolls, upon receiving such Certificate under the Hand of such Chief Judge, may and shall, from Year to Year, but not for any Time longer than a Year without a new Certificate, abstain from issuing any Warrant for the Removal of the Records mentioned in such Certificate into his Custody:

Fifthly—That the Master of the Rolls shall not issue any such Warrant for the Removal of any State Papers belonging to the Office of the Chief Secretary to the Lord Lieutenant, and kept in his Office or deposited in the State Paper Department in the Record Tower, unless the same shall be of the Age of *Fifty* Years from the making thereof, and that the Consent of the Lord Lieutenant for such Removal shall have been previously obtained.

Validity of Records after Removal. 1 & 2 Vict. c. 95. s. 4.

17. The Removal of any Record to the said Public Record Office, by Authority of the Master of the Rolls, shall not in any Manner affect the legal Authenticity of such Record; but any such Record deposited in the said Public Record Office, and there kept under the Authority of the Master of the Rolls, shall be taken to be in its legal Place of Deposit, and every such Record removed as aforesaid shall be of the same legal Validity in all Courts and Proceedings in the same Manner as if such Record had not been removed.

Master of the Rolls to make Rules for the Management of the Office and the Ad-

18. The Master of the Rolls shall have Power to make Rules for the Management of the said Public Record Office, and the Duties to be performed by the Deputy Keeper, Assistant Deputy Keeper, Clerks, Officers, and Servants thereof, and for cleaning, repairing, preserving, and arranging all the Public Records under his Charge and

mission of Persons using the Records. 1 & 2 Vict. c. 94. ss. 4, 9;

and Superintendence, and for making Calendars, Catalogues, and Indexes to the same, and also for the Admission of such Persons as ought to be admitted to the Use of the Records, Calendars, Catalogues, and Indexes in his Custody, and to suspend, alter, or rescind such Rules, or any of them, and to fix the Amount of Fees (if any) which he shall think proper to be paid for the Use thereof respectively, and for making Copies of Records, as herein-after provided, and from Time to Time to vary the same as he shall think fit: and also to make Rules for dispensing with the Payment of Fees in such Cases as he shall think fit; and every such Rule shall be laid by the Master of the Rolls before both Houses of Parliament within *Six Weeks* after it is made, or after the next Meeting of Parliament; and all such Fees as shall be paid for the Use of the Records in the Custody of the Master of the Rolls shall be paid quarterly into the Bank of Ireland to the Credit of the Exchequer, and carried to the Account of the Consolidated Fund.

and for dispensing with Fees in certain Cases.

Seal of the Record Office to be provided. 1 & 2 Vict. c. 94. s. 11.

19. The Master of the Rolls shall cause to be made a Seal of the said Public Record Office, and shall cause to be sealed or stamped therewith all certified Copies made as herein-after provided of any Records in his Custody.

Power to order the making of authentic Copies of Records, which shall be sealed. 1 & 2 Vict. c. 94. s. 12.

20. The Master of the Rolls or Deputy Keeper of the Records may allow Copies to be made of any Records in the Custody of the Master of the Rolls, at the Request and Costs of any Person desirous of procuring the same; and any Copy so made shall be examined and certified as a true and authentic Copy by the Deputy Keeper of the Records, or by the Assistant Deputy Keeper of the Records, and shall be sealed or stamped with the Seal of the Record Office, and delivered to the Party for whose Use it was made.

Such Copies, sealed with the Seal of the Record Office, to be received in Evidence. 1 & 2 Vict. c. 94. s. 13.

21. Every Copy of a Record in the Custody of the Master of the Rolls, certified as aforesaid, and purporting to be sealed or stamped with the Seal of the Public Record Office, shall be received as Evidence in any Court of Justice, and before any legal Tribunal, and before either House of Parliament, or any Committee of either House, without any further or other Proof thereof, in every Case in which the original Record could have been received there as Evidence.

Calendars, Indexes, and Records may be printed. 1 & 2 Vict. c. 94. s. 14.

22. It shall be lawful for the Chief Secretary to the Lord Lieutenant, with the Consent of the Commissioners of Her Majesty's Treasury, to cause to be printed from Time to Time such Calendars, Catalogues, and Indexes of Records, and also such Records, in the Custody of the Master of the Rolls, as the Chief Secretary

Secretary may select, or as the Master of the Rolls shall recommend as fit to be printed: Provided always, that an Estimate of the probable Cost to be thereby occasioned shall be laid in every Case before Parliament, and that no such Expense shall be incurred until the Sum estimated for making Provision for the same shall have been voted by Parliament.

Printed Copies of Records to be sold. 1 & 2 Vict. c. 94. s. 15.

23. All Records, Calendars, Catalogues, and Indexes of the said Records which shall be printed as aforesaid under the Direction of the Master of the Rolls shall be published and sold for such reasonable Sums which shall be approved by the Commissioners of Her Majesty's Treasury; and the Proceeds of all such Sales shall be paid into the Bank of Ireland, to the Credit of the Exchequer, and carried to the Account of the Consolidated Fund: Provided, nevertheless, that so many printed Copies of any such Records, Calendars, Catalogues, and Indexes as the Master of the Rolls from Time to Time shall direct may be presented gratuitously to Public Offices, Institutions, and Libraries in this or any other Realm or Country.

Power to purchase private Calendars, Catalogues, and Indexes. 1 & 2 Vict. c. 94. s. 16.

24. The Commissioners of Her Majesty's Treasury shall have Power to purchase, for the Use of the said Public Record Office, any private Calendars, Catalogues, and Indexes to the Public Records which the Master of the Rolls shall recommend as fit to be purchased; and every Calendar, Catalogue, and Index to any Records in the Custody of the Master of the Rolls which shall be compiled, continued, or copied after the passing of this Act, by any Person belonging to or employed in the said Public Record Office, excepting such printed Copies which shall be sold or given away by the Authority aforesaid, shall belong to Her Majesty, Her Heirs and Successors, for the Use of the said Public Record Office.

Annual Report to be made to Parliament by Deputy Keeper of Records. 1 & 2 Vict. c. 94. s. 17.

25. The Deputy Keeper of the Records, under the Direction of the Master of the Rolls, shall once in every Year report to the Lord Lieutenant the Proceedings had in the Execution of this Act; and every such Report shall be signed by the Deputy Keeper of the Records and Master of the Rolls, and shall be laid before both Houses of Parliament.

Certifying as true any false Copies of Records a Felony. 1 & 2 Vict. c. 94. s. 19.

26. Every Person belonging to or employed in the said Public Record Office who shall certify any Writing as a true and authentic Copy of a Record in the Custody of the Master of the Rolls, knowing the same to be false in any material Part, and every Person who shall counterfeit the Signature of the Deputy Keeper or of the Assistant Deputy Keeper of the Records for the Purpose of counterfeiting a certified Copy of a Record, or shall forge or

counterfeit the Seal of the Public Record Office, shall be guilty of Felony, and being duly convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than *Seven Years*, or to be imprisoned for any Term not exceeding *Four Years*.

Public Records.

A

B I L L

To provide for keeping safely the Public Records of Ireland.

(Prepared and brought in by Lord Naas and Mr. Attorney-General for Ireland.)

Ordered, by The House of Commons, *to be Printed*, 15 *May* 1867.

[Bill 157.]

Under 2 oz.

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Provide for keeping safely the Public Records of Ireland.

WHEREAS the Public Records in Ireland are in the Keeping of several Persons, and many are kept in unfit Buildings, and it is expedient to establish One Record Office and a better Custody, and to allow the free Use of the said Records, as far as may be consistent with their Safety and with the Public Policy of the Realm: Preamble.

And whereas a large and commodious Building has been erected in the Neighbourhood of the Four Courts in Dublin for the Purpose of serving as a Public Record Office: Be it therefore enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited for all Purposes as "The Public Records (Ireland) Act, 1867." Short Title.

2. This Act shall extend to Ireland only. Extent of Act.

3. In this Act the Word "Records" shall be taken to mean all Rolls, Records, Writs, Books, Proceedings, Decrees, Bills, Warrants, Interpretation Clause. 1 & 2 Vict. c. 94. §

rants, Accounts, Papers, and Documents whatsoever, of a public Nature, belonging to Her Majesty, or now deposited in any of the Offices or Places of Custody herein-after mentioned. The Expression "Lord Lieutenant" and "Master of the Rolls" shall mean the Lord Lieutenant or other Chief Governor or Governors of Ireland, and the Master of the Rolls in Ireland respectively.

Records to be in the Custody of the Master of the Rolls.

4. The Records belonging to Her Majesty herein-after mentioned; that is to say,

All the Records of the Court of Chancery which now are or ought to be deposited in the Rolls Office, and all other Records of the same Court, in whatsoever Custody they are deposited, which shall be of the Age of Twenty Years from the making thereof:

All the Records of the Courts of Queen's Bench, Common Pleas, and Exchequer, Probate and Admiralty Courts, and of the former Court of Prerogative in whatsoever Custody they are deposited, which shall be of the Age of Twenty Years from the making thereof:

All the Records, Maps, Books, and Documents of whatsoever Nature or Kind now deposited in the Custom House Buildings, Dublin:

All original Wills of which Probate shall have been granted not later than Twenty Years in all Courts and Offices throughout Ireland having Testamentary Jurisdiction:

All the Bermingham Tower Plea, Pipe and other Rolls, and the Parliamentary Records, the Records deposited in the State Paper Department, except those which shall not be Fifty Years of Age from the making thereof, and all other Records (other than those appertaining to the Office of Ulster King of Arms) now deposited in the Record Tower, Dublin Castle:

All Records and Documents of any Courts, Commissions, or public Offices which shall have ceased to exist, and are not comprehended under the foregoing Denominations,

shall, from the passing of this Act, be under the Charge and Superintendence of the Master of the Rolls for the Time being, in the Name and on behalf of Her Majesty, Her Heirs and Successors, and shall be removed to the Public Record Office aforesaid in manner herein-after provided: Provided always, that until such Removal the Persons now having the Care of any such Records shall continue to have the Charge of them, subject to such Orders as the Master of the Rolls is herein empowered to give concerning the same.

5. It

Lord Lieutenant in Council may order Records in other Offices to be included in this Act. 1 & 2 Vict. c. 94. s. 2.

5. It shall be lawful for the Lord Lieutenant, with the Advice of the Privy Council in Ireland, to order that Records belonging to Her Majesty deposited in any Office, Court, Place, or Custody in Ireland, other than is herein-before mentioned, shall be thenceforth under the Charge and Superintendence of the Master of the Rolls; and thereupon the Provisions of this Act shall extend to all such Records, and to the Persons then having the Charge or Custody of the same as fully as if such Office, Court, Place, or Custody had been named and included in this Act.

Public Record Office established. 1 & 2 Vict. c. 94. s. 7.

6. The Commissioners of Public Works in Ireland shall, as soon as conveniently may be after the passing of this Act, deliver up to the Master of the Rolls the said Building in the Neigbourhood of the Four Courts in Dublin; and thereupon a Public Record Office shall be there established, under the Master of the Rolls, to be styled the "Public Record Office of Ireland;" and from and after the Time when the said Public Record Office shall be established, every Office or Place where Public Records, which by the Authority of this Act are placed under the Superintendence of the Master of the Rolls, are or shall be deposited, shall, so long as such Records remain therein, be deemed and taken to be a Branch or Part of the said Public Record Office.

Compensation to present Record Keepers.

7. All Keepers of Records and Persons deriving Emolument from any Office to which the Custody of Records is attached, or from Fees for searching or copying Records by virtue of any Office holden by them or any of them before or at the passing of this Act, whose Office, Profits, or Emoluments shall in anywise be affected by the passing of this Act, may deliver to the Master of the Rolls a Statement in Writing of any Losses they may thereby sustain, or of the Manner in which they may be thereby affected, and the Master of the Rolls shall have Power thereupon to examine the Parties and such other Persons as he may think fit, and shall report such Statements, and the Result of such Examinations, with his Opinion thereon, to the Commissioners of Her Majesty's Treasury, who may award such Compensation to the said Record Keepers and Officers as they may think fit; and the Payment of any such Compensation shall be taken to be an Expense incurred for the Purposes of this Act: Provided always, that Account shall be taken of such Compensation in any Salary or Emolument to which any Person to whom the same shall be awarded may become entitled in virtue of any Appointment in the Public Record Office or elsewhere in Her Majesty's Service: Provided also, that every Person who shall receive any Compensation under this Act shall, if appointed, take upon himself the Office of Deputy Keeper or

any other Office of not less Emolument than he has already received, without prejudice nevertheless to his Right to Compensation under this Act, if afterwards removed from the said Office for any Cause other than for Misbehaviour.

Deputy Keeper of the Records to be appointed. 1 & 2 Vict. c. 94. s. 5.

8. The Lord Lieutenant, with the Consent of the Commissioners of Her Majesty's Treasury, shall appoint a fit Person, duly qualified by his Knowledge of Records, to be Deputy Keeper of the Records, and may remove the Deputy Keeper of the Records, and appoint another Person in his Room; and the Deputy Keeper of the Records shall act as Chief Record Keeper under the Master of the Rolls, and shall superintend all Persons employed in the Public Record Office, in keeping the Records in the Custody of the Master of the Rolls, and discharge all such other Duties as he may be required, subject to such Directions as he may from Time to Time receive from the Master of the Rolls.

Assistant Keeper, Clerks, Officers, and Servants to be appointed. 1 & 2 Vict. c. 94. s. 6.

9. The Lord Lieutenant, with the Consent of the Commissioners of Her Majesty's Treasury, shall appoint a fit Person, duly qualified by his Knowledge of Records, to be Assistant Deputy Keeper of the Records, and with the like Consent, all such Clerks, Officers, and Servants as shall be necessary for the Purposes of this Act, and the Persons so appointed shall assist in executing this Act under the Superintendence of the Deputy Keeper of the Records, in such Manner as the Master of the Rolls may direct; and the said Assistant Deputy Keeper of the Records shall be removable by the Master of the Rolls with the Consent of the Lord Lieutenant, and the said Clerks, Officers, and Servants shall be removable by the Master of the Rolls: Provided always, that the said Clerks, Officers, and Servants shall in the first instance be appointed from among such Persons entitled to Compensation under this Act whom the Lord Lieutenant shall judge to be in all respects competent and fit to be appointed to such Offices or Service respectively.

State Papers of Chief Secretary's Office to be removed in the first instance to Record Tower.

10. The State Papers belonging to the Office of the Chief Secretary to the Lord Lieutenant shall from Time to Time, by Order of the Lord Lieutenant, be removed to the Record Tower, Dublin Castle, and shall be there deposited, and shall remain in the Care of the present Keeper of the State Papers in said Record Tower so long as he shall continue in such Office, and thereafter in the Care of such Officer as shall be appointed for that Purpose by the Lord Lieutenant with like Consent as aforesaid, subject to the Charge and Superintendence of the Master of the Rolls; and whenever any such Records shall be of the Age of Fifty Years from the making

making thereof, the said Deputy Clerk shall certify to the Lord Lieutenant and the Master of the Rolls that such Records are proper to be removed to the said Public Record Office.

Records in State Paper Department of the Record Tower to be kept there till arranged, &c.

11. The Records now in the State Paper Department of the Record Tower, Dublin Castle, shall continue to be in the Care of the said present Keeper, but subject to the Charge and Superintendence of the Master of the Rolls; and such Records shall be arranged and classified, and Indexes to the same shall be made by the said Keeper with due Diligence and in such Manner as the Master of the Rolls shall direct, and when the Arrangement, Classification, and Indexes of such Records, or of any Part thereof, shall be complete, the said Keeper shall certify to the Lord Lieutenant and the Master of the Rolls that such Records are in a fit Condition to be removed to the said Public Record Office.

Salaries of Officers.

12. There shall be paid to the Deputy Keeper of the Records, to the Assistant Deputy Keeper of the Records, and to the Clerks, Officers, and Servants appointed as herein-before is provided, such annual Salaries as the Lord Lieutenant, with the Consent of the Commissioners of Her Majesty's Treasury, shall appoint, and there shall be paid to the present Keeper of the State Papers in the said Record Tower, so long as he shall continue in such Office, by way of Remuneration for the Duties by this Act imposed upon him, in addition to the annual Salary of Two hundred Pounds which he now receives for keeping the State Papers, such further annual Sum as the Lord Lieutenant with the Consent of the said Commissioners shall appoint; and the said Salaries shall be paid out of such Funds as Parliament shall from Time to Time provide for that Purpose.

Removal of Records to Public Record Office.
1 & 2 Vict. c. 94. s. 4.

13. The Master of the Rolls shall, as soon as conveniently may be, issue Warrants directed to the several Persons having the Care of the said Records, ordering such Persons to allow them to be removed from their present Place of Custody, and deposited in the said Public Record Office; and every such Warrant shall be kept among the Public Records in the Custody of the Master of the Rolls, and shall be a sufficient Warrant for the Removal of such Records as shall be specified therein: Provided always, that nothing herein contained shall authorize the Removal of any of the Records in the State Paper Department of the Record Tower, or in the Chief Secretary's Office, Dublin Castle, until the same shall be certified by the Person having the Care thereof to be in a fit

Condition to be removed, and that the Lord Lieutenant shall countersign the Warrant for Removal.

Accumulating Records to be delivered from Time to Time to the Master of the Rolls. 1 & 2 Vict. c. 94. s. 3.

15. After the passing of this Act the Records of the Court of Chancery of Ireland, and of every Court or Public Office in Ireland, shall be deemed to be in the Custody of the Master of the Rolls under the Authority of this Act, and subject to the Regulations hereby authorized to be made; and the Master of the Rolls shall, by Warrant under his Hand, from Time to Time appoint a fit Person or fit Persons to attend all public Courts and Offices in Ireland, and in his Name to receive and take charge of all other Records of which the Charge and Superintendence are hereby vested in him; and the Chief Judge of the Court, or principal Officer of the Office to which the same shall belong, upon Sight of the Warrant of the Person thereby appointed to take charge of the Records then to be delivered from that Court or Office into the Custody of the Master of the Rolls, shall give the necessary Orders to the proper Officer or Officers of his Court or Office for the Delivery thereof; and as soon as the said Records shall have been so delivered to the Person so appointed to receive the same, in pursuance of such Warrant, the same shall be deemed to be in the Custody of the Master of the Rolls, and shall forthwith be removed to and deposited in the Public Record Office, and shall be subject to the Regulations hereby authorized to be made; and the Person receiving any Records shall thereupon deliver a Schedule thereof, and a Receipt for the same under his Hand, to the Judge or Officer from whom the same shall be received, and shall deliver a Copy of such Schedule to the Master of the Rolls, or the Officer by him appointed to receive the same into the Public Record Office: Provided always,

First—That no such Warrant be issued by the Master of the Rolls unless the same shall be first approved of and countersigned by the Lord High Chancellor of Ireland:

Secondly—That every such Warrant shall specify and describe the Records intended to be delivered to the Person thereby authorized to receive the same:

Thirdly—That the Master of the Rolls shall not issue any such Warrant for the Removal of any Records belonging to any of Her Majesty's Courts of Common Law, to the Court of Probate, to the Landed Estates Court, or to the Court of Admiralty, unless or until the Records described in such Warrant shall be of the Age of Twenty Years from the making thereof, or if the same be under that Age, unless the Removal thereof shall have been requested by the Chief Judge of the Court to which the same shall belong:

Fourthly—

Fourthly—That if it shall appear to the Chief Judge of any such Court that it will be conducive to the Ends of Justice, or to the due Performance of the Business of such Court, that any Records belonging thereto should not be delivered into the Custody of the Master of the Rolls at the End of Twenty Years from the making thereof, it shall be lawful for such Chief Judge to certify such his Opinion to the Master of the Rolls, and that the Master of the Rolls, upon receiving such Certificate under the Hand of such Chief Judge, may and shall, from Year to Year, but not for any Time longer than a Year without a new Certificate, abstain from issuing any Warrant for the Removal of the Records mentioned in such Certificate into his Custody:

Fifthly—That the Master of the Rolls shall not issue any such Warrant for the Removal of any State Papers belonging to the Office of the Chief Secretary to the Lord Lieutenant, and kept in his Office or deposited in the State Paper Department in the Record Tower, unless the same shall be of the Age of Fifty Years from the making thereof, and that the Consent of the Lord Lieutenant for such Removal shall have been previously obtained.

Validity of Records after Removal. 1 & 2 Vict. c. 95. s. 4.

15. The Removal of any Record to the said Public Record Office, by Authority of the Master of the Rolls, shall not in any Manner affect the legal Authenticity of such Record; but any such Record deposited in the said Public Record Office, and there kept under the Authority of the Master of the Rolls, shall be taken to be in its legal Place of Deposit, and every such Record removed as aforesaid shall be of the same legal Validity in all Courts and Proceedings in the same Manner as if such Record had not been removed.

Master of the Rolls to make Rules for the Management of the Office and the Admission of Persons using the Records. 1 & 2 Vict. c. 94. ss. 4, 9;

16. The Master of the Rolls shall have Power to make Rules for the Management of the said Public Record Office, and the Duties to be performed by the Deputy Keeper, Assistant Deputy Keeper, Clerks, Officers, and Servants thereof, and for cleaning, repairing, preserving, and arranging all the Public Records under his Charge and Superintendence, and for making Calendars, Catalogues, and Indexes to the same, and also for the Admission of such Persons as ought to be admitted to the Use of the Records, Calendars, Catalogues, and Indexes in his Custody, and to suspend, alter, or rescind such Rules, or any of them, and with the Approval of the Commissioners of Her Majesty's Treasury to fix the Amount of Fees (if any) which he shall think proper to be paid for the Use thereof respectively, and for making Copies of Records, as herein-after provided, and from Time to Time to vary the same as he shall think fit:

and for dispensing with Fees in certain Cases.

fit: and also with the like Approval to make Rules for dispensing with the Payment of Fees in such Cases as he shall think fit; and every such Rule shall be laid by the Master of the Rolls before both Houses of Parliament within Six Weeks after it is made, or after the next Meeting of Parliament; and all such Fees as shall be paid for the Use of the Records in the Custody of the Master of the Rolls shall be paid quarterly into the Bank of Ireland to the Credit of the Exchequer, and carried to the Account of the Consolidated Fund.

Seal of the Record Office to be provided. 1 & 2 Vict. c. 94. s. 11.

17. The Master of the Rolls shall cause to be made a Seal of the said Public Record Office, and shall cause to be sealed or stamped therewith all certified Copies made as herein-after provided of any Records in his Custody.

Power to order the making of authentic Copies of Records, which shall be sealed. 1 & 2 Vict. c. 94. s. 12.

18. The Master of the Rolls or Deputy Keeper of the Records may allow Copies to be made of any Records in the Custody of the Master of the Rolls, at the Request and Costs of any Person desirous of procuring the same; and any Copy so made shall be examined and certified as a true and authentic Copy by the Deputy Keeper of the Records, or by the Assistant Deputy Keeper of the Records, and shall be sealed or stamped with the Seal of the Record Office, and delivered to the Party for whose Use it was made.

Such Copies, sealed with the Seal of the Record Office, to be received in Evidence. 1 & 2 Vict. c. 94. s. 13.

19. Every Copy of a Record in the Custody of the Master of the Rolls, certified as aforesaid, and purporting to be sealed or stamped with the Seal of the Public Record Office, shall be received as Evidence in any Court of Justice, and before any legal Tribunal, and before either House of Parliament, or any Committee of either House, without any further or other Proof thereof, in every Case in which the original Record could have been received there as Evidence.

Calendars, Indexes, and Records may be printed. 1 & 2 Vict. c. 94. s. 14.

20. It shall be lawful for the Lord Lieutenant, with the Consent of the Commissioners of Her Majesty's Treasury, to cause to be printed from Time to Time such Calendars, Catalogues, and Indexes of Records, and also such Records, in the Custody of the Master of the Rolls, as the Chief Secretary may select, or as the Master of the Rolls shall recommend as fit to be printed.

Printed Copies of Records to be sold. 1 & 2 Vict. c. 94. s. 15.

21. All Records, Calendars, Catalogues, and Indexes of the said Records which shall be printed as aforesaid under the Direction of the Master of the Rolls shall be published and sold for such reasonable Sums which shall be approved by the Commissioners of Her Majesty's

Majesty's Treasury; and the Proceeds of all such Sales shall be paid into the Bank of Ireland, to the Credit of the Exchequer, and carried to the Account of the Consolidated Fund: Provided nevertheless, that so many printed Copies of any such Records, Calendars, Catalogues, and Indexes as the said Commissioners from Time to Time shall direct may be presented gratuitously to Public Offices, Institutions, and Libraries in this or any other Realm or Country.

Power to purchase private Calendars, Catalogues, and Indexes. 1 & 2 Vict. c. 94. s. 16.

22. The Commissioners of Her Majesty's Treasury shall have Power to purchase, for the Use of the said Public Record Office, any private Calendars, Catalogues, and Indexes to the Public Records which the Master of the Rolls shall recommend as fit to be purchased; and every Calendar, Catalogue, and Index to any Records in the Custody of the Master of the Rolls which shall be compiled, continued, or copied after the passing of this Act, by any Person belonging to or employed in the said Public Record Office, excepting such printed Copies which shall be sold or given away by the Authority aforesaid, shall belong to Her Majesty, Her Heirs and Successors, for the Use of the said Public Record Office.

Annual Report to be made to Parliament by Deputy Keeper of Records. 1 & 2 Vict. c. 94. s. 17.

23. The Deputy Keeper of the Records, under the Direction of the Master of the Rolls, shall once in every Year report to the Lord Lieutenant the Proceedings had in the Execution of this Act; and every such Report shall be signed by the Deputy Keeper of the Records and Master of the Rolls, and shall be laid before both Houses of Parliament.

Public Records (Ireland).

A

BILL

[AS AMENDED IN COMMITTEE]

To provide for keeping safely the Public Records of Ireland.

(Prepared and brought in by Lord Naas and Mr. Attorney-General for Ireland.)

Ordered, by The House of Commons, *to be Printed*, 4 *June* 1867.

[Bill 185.]

Under 2 oz.

A

B I L L

INTITULED

An Act to make further Provision for the good Government and Extension of certain Public Schools.

WHEREAS the Commissioners appointed under a Commission issued in the Year One thousand eight hundred and sixty-one have made their Report, and thereby recommended various Changes in the Government, Management, and Studies of the Schools herein-after mentioned, with a view to promote their greater Efficiency, and to carry into effect the main Objects of the Founders thereof; but such Changes cannot be carried into effect without the Authority of Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Preliminary.

1. This Act may be cited for all Purposes as the "Public Schools Act, 1867." Short Title of Act.

Definition of "existing" and "School."

2. "Existing" shall in this Act mean existing at the Time of the passing thereof:

"School" includes, in the Case of Eton and Winchester, Eton College and Winchester College.

Definition of "Governing Body."

3. "Governing Body" of a School shall for the Purposes of this Act mean—

(1.) At Eton, the Provost and Fellows:
(2.) At Winchester, the Warden and Fellows:
(3.) At Westminster, the Dean and Chapter:
(4.) At Charterhouse, the Governors:
(5.) At Harrow, the Governors:
(6.) At Rugby, the Trustees:
(7.) At Shrewsbury, the Trustees:

Provided that from and after the passing of this Act the Governing Body of Shrewsbury School may elect their own Chairman, notwithstanding any Law or Custom to the contrary.

Definition of "Boys on the Foundation."

4. "Boys on the Foundation" shall mean—

(1.) At Eton, the King's Scholars or Scholars belonging to the College of Eton:
(2.) At Winchester, the Scholars belonging to the College of St. Mary, Winchester:
(3.) At Westminster, the Queen's Scholars and Bishop Williams' Scholars:
(4.) At Charterhouse, the Foundation Scholars or Boys nominated by the Governors, and entitled to receive gratuitous Education:
(5.) At Harrow, the Boys entitled to Education wholly or partially gratuitous:
(6.) At Rugby, the Boys entitled to Education wholly or partially gratuitous by reason of their being Sons of Residents in Rugby or within a certain Distance of Rugby:
(7.) At Shrewsbury, the Boys entitled to Education wholly or partially gratuitous by reason of their being Sons of Burgesses.

Statutes by Governing Bodies.

Governing Body to make Statutes, under Restrictions.

5. Subject to the Restrictions herein-after mentioned, the Governing Body of every School to which this Act applies may at any Time before the First Day of January One thousand eight hundred and sixty-nine, or within such further Time as may be determined by

by Her Majesty in Council, as herein-after mentioned, make Statutes with respect to all or any of the following Matters:

(1.) With respect to the Boys on the Foundation, to remove, wholly or partially, local or other Restrictions on the Class of Boys entitled to become Boys on the Foundation, to make Admission on the Foundation wholly or partially dependent on Proficiency in a competitive or other Examination, and to define the Age for the Admission of such a Boy, and the Age at which he may be required to leave the School:

(2.) With respect to the Privileges and Number of Boys on the Foundation, to abridge or extend such Number and Privileges whenever, from Change of Circumstances, it seems expedient to abridge or extend them:

(3.) With respect to Scholarships, Exhibitions, or other Emoluments, either tenable at the School, or tenable after quitting the School by Boys educated thereat, to do all or any of the following Things; that is to say,

a. To consolidate any Two or more of such Emoluments; to divide any single Emolument into Two or more; to convert any Scholarship or Exhibition tenable at the School into a Prize or Prizes; to remove any Restrictions on the Election or Appointment to such Emoluments; to open to general or limited Competition within the School Emoluments now conferred otherwise than by competitive Examination; and to define or vary the Subjects of Examination for any Emolument; provided that the foregoing Powers shall not extend to any Emolument created within Fifty Years before the passing of this Act; and,

b. To convert Emoluments attached to any particular College at Oxford or Cambridge, but not payable out of Funds held by such College, into Emoluments tenable at any College in either University:

(4.) With respect to the Mode and Conditions of Appointment to any Ecclesiastical Benefice the Patronage of which is vested in the Governing Body as such, or to which Persons educated at or connected with the School have an exclusive or preferential Claim:

(5.) With respect to the Number of the Masters, and their Salaries so far as they are payable out of Property belonging to or held in trust for the School, with Power to abolish any Mastership other than the Head Mastership:

 (6.) With

(6.) With respect to the Disposal of the surplus Income of the Property of the School:

(7.) In the Case of Eton and Winchester, with respect to any Collegiate Office which does not entitle the Holder to a Place in the Governing Body.

Consolidation and Amendment of existing Statutes and Regulations.

6. The Governing Body of any School to which this Act applies may, by Statute made in manner herein provided, consolidate and amend any existing Statutes or Regulations relating to such School, whether in force by Act of Parliament, Charter, Judicial Decree, Instrument of Endowment, or otherwise, with Power to repeal any Statute or Regulation that has in the Opinion of that Body become obsolete, or has become incapable of Observance by reason of Changes authorized to be made under this Act; and the Powers given by this Act shall be in addition to and not in derogation of any other Powers to the like Effect that may be vested in any Governing Body under any existing Act of Parliament, Charter, Judicial Decree, Instrument of Endowment, or otherwise.

Power of Governing Bodies to alter their Constitutions.

7. The Governing Body of each of the Schools to which this Act applies may at any Time before the First Day of January One thousand eight hundred and sixty-nine, or within such further Time as may be determined by Her Majesty in Council as herein-after mentioned, make a Statute for the Alteration of the Constitution of such Governing Body in such Manner as may be deemed expedient.

Restrictions on making Statutes.

8. The following Restrictions shall be imposed on the Governing Body of any School making Statutes under this Act:

(1.) Where Two or more Schools are interested in any Scholarship, Exhibition, or Emolument, a Statute made by the Governing Body of One School shall not affect the Interest of any other School, except with the Consent of a Majority of the Governors, Trustees, or other Governing Body of the last-mentioned School:

(2.) Where any Statute proposed to be made by the Governing Body of a School affects any Scholarship, Exhibition, or Emolument attached to any College in either of the Universities of Oxford and Cambridge, Notice in Writing of such intended Statute shall be given to the Head of such College Two Months at least before such Statute is submitted to the Special Commissioners as herein-after mentioned:

(3.) Where

(3.) Where any Statute proposed to be made by the Governing Body of a School affects the Interests of any Person or Class of Persons deriving Benefit under the Institutions in force with respect to the same, a Copy of such proposed Statute shall be deposited in some convenient Place for public Inspection in the Locality in which such School is situated; and Notice of such Copy having been so deposited shall be given in some Newspaper circulating in such Locality Two Months at the least before such Statute shall be submitted to the Special Commissioners.

(4.) No Statute made by the Governing Body of a School under this Act shall be of any Validity until the same has been approved by Her Majesty in Council, as herein-after mentioned, but when so approved all the Requisitions of this Act in respect thereto shall be deemed to have been duly complied with, and the Statute shall be of the same Force as if it had been contained in this Act, subject nevertheless to the Power of Alteration or Repeal herein-after conferred.

Statutes to be laid before the Queen in Council.

9. All Statutes made by the Governing Body of a School under the Powers herein contained shall be submitted to the Special Commissioners herein-after appointed, and if approved by them, be laid before Her Majesty in Council, and be forthwith published in the London Gazette; and it shall be lawful for the Trustees of any Scholarship, Exhibition, or Emolument to which such Statute may relate, or for any Person or Body Corporate directly affected thereby, within Two Months after such Publication in the London Gazette, to petition Her Majesty in Council, praying Her Majesty to withhold Her Approbation from the whole or any Part of such Statute. The Petition shall be referred by Her Majesty by Order in Council for the Consideration and Advice of Five Members of Her Privy Council, of whom Two, not including the Lord President, shall be Members of the Judicial Committee, and such Five Members may, if they think fit, admit any Petitioner or Petitioners to be heard by Counsel in support of his or their Petition.

Approval of Her Majesty in Council.

10. It shall be lawful for Her Majesty to signify Her Approval or Disapproval of any Statute or Part of a Statute made by the Governing Body of a School in pursuance of this Act at the Times following; that is to say, where a Petition has been presented against such Statute at any Time after the Hearing or Withdrawal of such Petition, and where no such Petition has been presented at any Time after the Expiration of the Time limited

limited by this Act for the Presentation of a Petition. If Her Majesty signify Her Disapproval of any Statute, or any Part thereof, the Governing Body of the School may frame another Statute in that Behalf, subject to the same Conditions as to the Approval of the Special Commissioners and of Her Majesty in Council as are imposed by this Act in relation to the making of original Statutes by the Governing Body of a School, and so on from Time to Time as often as Occasion requires, so that such Statutes are made before the said First Day of January One thousand eight hundred and sixty-nine, or within such further Time as Her Majesty may by Order in Council appoint in manner hereinafter mentioned.

Repeal of Statutes.

11. Any Statute made in exercise of the Powers of this Act may, at any Time or Times after the Expiration of the Powers by this Act conferred on the Special Commissioners, be repealed or altered by the Governing Body, in the same Manner and subject to the same Provisions, with the Exception of those relating to the Special Commissioners, in and subject to which Statutes may be made by the Governing Body.

Regulations by Governing Bodies.

General Power to make Regulations.

12. It shall be lawful for the Governing Body of every School to which this Act applies, notwithstanding anything contained in any Act of Parliament, Charter, Statute, Decree, Instrument of Foundation, or Endowment or other Instrument, and notwithstanding any Custom, from Time to Time to make, alter, or annul such Regulations as they may deem it expedient to make, alter, or annul, with respect to any of the following Matters:

(1.) With respect to the Number of Boys, other than Boys on the Foundation, in the School, their Ages, and the Conditions of Admission to the School:

(2.) With respect to the Mode in which the Boys, whether on the Foundation or not, are to be boarded and lodged, and the Conditions on which Leave to keep a Boarding House should be given:

(3.) With respect to the Payments to be made for the Maintenance and Education of the Boys, other than Boys on the Foundation, including Fees and Charges of all Kinds, and to Payments by Boys on the Foundation in respect of anything which they are not entitled to receive gratuitously: And with respect to the Application of the Monies to be derived from those Sources, and of Monies paid out of the Income of the Foundation on account of the Instruction of Boys on the Foundation:

(4.) With

(4.) With respect to Attendance at Divine Service, and, where the School has a Chapel of its own, with respect to the Chapel Services and the Appointment of Preachers:

(5.) With respect to the Times and Length of the ordinary Holidays:

(6.) With respect to the Sanitary Condition of the School and of the Premises connected therewith:

(7.) With respect to the Introduction of new Branches of Study, and the Suppression of old ones, and the relative Importance to be assigned to each Branch of Study, and with respect to the System of Promotion in the School:

(8.) With respect to the Number of the Masters:

(9.) With respect to the general Disposal (otherwise than by way of Mortgage or Alienation) of any surplus Income belonging to the School in such Manner as may, in the Opinion of the Governing Body, best promote the Efficiency of the School as a Place of Education:

Provided that the Governing Body, before making Regulations on any Subject affecting the Management or Instruction of the School, shall consult the Head Master in such a Manner as to give him full Opportunity for the Expression of his Views.

Masters.

Appointment of Masters.

13. The Head Master of every School to which this Act applies shall be appointed by and hold his Office at the Pleasure of the Governing Body. All other Masters shall be appointed by and hold their Offices at the Pleasure of the Head Master. No Candidate for any Mastership shall be entitled to Preference by reason of his having been a Scholar of or educated at the School of which he desires to be Master: Provided nevertheless, that nothing herein contained shall restrain the Commissioners, if they shall think fit, upon sufficient Cause shown to them by the Governing Bodies of Winchester and Eton respectively, or either of them, from authorizing such Governing Bodies or Body to retain in their own Hands as heretofore the Appointments of Lower Master; all other Masters being appointed, as herein provided, by the Head Master.

Boys on the Foundation.

Scheme for Harrow and Rugby.

14. The Governing Bodies of Harrow and Rugby Schools respectively shall, before the First Day of January One thousand eight hundred and sixty-nine, or such further Time as may be determined by Her Majesty in Council as herein-after mentioned, submit to the Special Commissioners herein-after named, and, if approved of by them,

them, lay before Her Majesty in Council, a Scheme or Schemes for appropriating a suitable Part of the Revenues of those Foundations to the Promotion of Education within the Parish of Harrow and in the Town and Neighbourhood of Rugby, in such Manner as may appear best, regard being had to the local Objects contemplated by the Founders of those Schools, and to the altered Circumstances of the present Time; and any such Scheme may, if it be thought expedient, provide for the Maintenance within the Locality of a separate School, either in connexion or not in connexion with the existing School. The Parish of Harrow for the Purposes of this Section shall be deemed to include all such Hamlets and Places as were included within the Parish at the Date of the Will of John Lyon, the Founder of the Harrow School. Provided that Two clear Months before any such Scheme or Schemes shall be so submitted to the Special Commissioners the same shall be deposited in some public Place in the several Towns of Harrow and Rugby accessible to the Persons interested in the same, and Notice thereof shall be publicly given with the view of enabling such Persons to communicate to the Governing Bodies any Objections they may entertain to such Schemes or any Part thereof.

Appointment of Commissioners.

15. The several Persons herein-after named, (that is to say,) the Most Reverend Father in God William Lord Archbishop of York, the Right Honourable Dudley Earl of Harrowby, Knight of the Garter, the Right Honourable Sir Edmund Walker Head, Baronet, Knight Commander of the Bath, the Right Honourable Russell Gurney, Recorder of the City of London, Sir John George Shaw Lefevre, Knight Commander of the Bath, John Duke Coleridge, Esquire, One of Her Majesty's Counsel, the Reverend Joseph Williams Blakesley, Bachelor in Divinity, One of the Canons Residentiary of Canterbury, shall be Special Commissioners for the Purposes of this Act, and shall have a Common Seal, and Three of the said Commissioners shall be a Quorum.

Duration of Powers of Commissioners.

16. The Powers conferred on the Special Commissioners by this Act shall be in force until the First Day of January One thousand eight hundred and sixty-nine, and it shall be lawful for Her Majesty, if She think fit, by and with the Advice of Her Privy Council, to continue the same until the First Day of January One thousand eight hundred and seventy.

Vacancy in Number of Commissioners.

17. If any Vacancy occurs in the Number of the Special Commissioners by means of Death, Resignation, or Incapacity to act, Her Majesty may fill up such Vacancy.

18. In

18. In the Exercise of the Authorities vested by this Act in the Special Commissioners they shall have Power to require from any Officer of any School to which this Act applies the Production of any Documents or Accounts relating to such School, and any Information relating to the Revenues, Statutes, Usages, or Practice thereof. Commissioners empowered to require Production of Documents, &c.

19. On and after the First Day of January One thousand eight hundred and sixty-nine, or such further Time as may be determined by Her Majesty, as herein-after mentioned, all such Powers of making Statutes, of making Regulations, and of making and proposing Schemes, as are by this Act vested in the Governing Body of any School to which this Act applies, save and except the Power of altering by Statute the Constitution of the Governing Body, shall pass to and vest in the Special Commissioners appointed under this Act (subject nevertheless, in the Case of a Statute affecting any Scholarship, Exhibition, or Emolument in any School other than that for which the Statute is made, to the Restrictions by this Act imposed on the Governing Body in making a like Statute); and the Special Commissioners may exercise such Powers in respect of all Matters in which any Governing Body may have failed to exercise the same in a Manner approved by the Special Commissioners. Powers of Special Commissioners.

The Commissioners shall, in the Case of a Regulation, Two Months at the least before finally making the same, and, in the Case of a Statute or Scheme, Two Months at the least before laying the same before Her Majesty in Council, serve a Copy of such Regulation, Statute, or Scheme on the Governing Body of the School to which it relates, (and if it be a Statute affecting any Scholarship, Exhibition, or Emolument attached to any College in either of the Universities, on the Head of such College,) and hear all Objections that such Governing Body or College may be desirous of urging against the same.

Any Regulation made by the Special Commissioners, unless an express Power of altering the same is vested in the Governing Body, shall be deemed to be in the Nature of a Statute, and be alterable only in manner in which Statutes are capable of being altered in pursuance of this Act; but except in so far as relates to Regulations made by the Commissioners, and except during such Time as the Powers of the Special Commissioners under this Section remain in force, the Power of the Governing Body to make, alter, or annul Regulations shall remain unaffected by the Power hereby given to the Commissioners of making the same.

Any Statute or Scheme made by the Special Commissioners in pursuance of this Act shall be subject to the Provisions herein-before

contained as to the same being laid before Her Majesty in Council, and as to the Approval or Disapproval of Her Majesty, and as to its subsequent Repeal or Alteration, with the Consent of Her Majesty in Council, as if it were a Statute made by the Governing Body of the School which had been approved by the Special Commissioners, with this Addition, that the Approval or Disapproval of Her Majesty to any such Statute or Scheme as last aforesaid shall not be signified until such Statute or Scheme has been laid before both Houses of Parliament for a Period of not less than Forty Days.

Miscellaneous.

Scheme for Appropriation of Estate to Westminster School.

20. It shall be lawful for the Ecclesiastical Commissioners for England, and the Governing Body of Westminster School, if they can agree, or if not then for either of those Bodies, at any Time before the First Day of January One thousand eight hundred and sixty-nine, or such further Time as may be determined by Her Majesty in manner herein-after mentioned, to submit to the Special Commissioners, and if approved of by them to lay before Her Majesty in Council, a Scheme for vesting in any Governing Body of Westminster School appointed under this Act and their Successors in Fee Simple such a Portion of the Chapter Estates as may be adequate to the Support of the School on a suitable Scale, and also for vesting in them such Portions of the said Chapter Estates as are necessarily and exclusively connected with the School, and essential to its Well-being, such last-mentioned Portions to comprise the Dormitory, with its Appurtenances, the Hall, the School and Class Rooms, the covered Play Room, the Houses of the Head Master and Under Master, the Three Boarding Houses, and the Play Grounds in Great Dean's Yard and Vincent Square, and such additional Buildings as may be erected or adapted for the Purposes of the School, but so and in such Manner that the said last-mentioned Portions shall revert to the Dean and Chapter of Westminster, or to the Ecclesiastical Commissioners, in the event of the Removal of the School from its present Site.

If the said Bodies do not concur in a joint Scheme, either of them promoting a separate Scheme shall forward a Copy thereof to the other; and every Scheme promoted under the Powers of this Act shall be subject to the same Provisions, and if approved shall take effect and be subject to Alteration, in the same Manner as Statutes made by a Governing Body.

Scheme for Buildings.

21. The Governing Body of any of the Schools to which this Act applies may at any Time before the First Day of January One thousand eight hundred and sixty-nine, or such further Time

Time as may be determined by Her Majesty in Council, as hereinafter mentioned, submit to the Special Commissioners and if approved of by them may lay a Scheme before Her Majesty in Council for making any Additions to or Alterations in the Buildings of a School, and for raising Monies for that Purpose by Mortgage of any Property belonging to or held in trust for the School, with Power to suspend any Scholarships or Exhibitions payable out of such Property; they may also in any such Scheme make Provisions for exchanging any Lands belonging to such School for other Lands; and every such Scheme shall be subject to the same Provisions, and if approved shall take effect and be subject to Alteration, in the same Manner as Statutes made by a Governing Body.

Livings to which Shrewsbury School has a preferential Claim.

22. Whereas the Right of Appointment to Vacancies in the Vicarage of Cherbury and the Perpetual Curacies of St. Mary's Astley and Clive is vested in Trustees appointed by the Lord Chancellor, in pursuance of the Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth, Chapter Seventy-six, intituled "An Act to "provide for the Regulation of Municipal Corporations in England "and Wales:" And whereas the Sons of certain Burgesses educated at Shrewsbury School and the Head and Second Master of the said School have a preferential Claim to be appointed to the said Vicarages and Curacies: Be it enacted, That the said Trustees may at any Time after the passing of this Act, upon the Requisition of the Governing Body of the said School, sell the Right of Presentation or Appointment to the said Vicarages and Curacies, or any of them, and pay over the Monies arising from such Sale to the Governing Body of the School, to be applied by that Body for the Benefit of the School.

Scheme for constituting Parish of Eton a distinct Vicarage.

23. The Ecclesiastical Commissioners for England shall lay before Her Majesty in Council such Scheme as may appear to the said Commissioners to be best adapted for relieving the Provost of Eton from the Spiritual Charge of the Parish of Eton, and constituting the same a distinct Vicarage in the Gift of the Provost and Fellows of Eton, with an Endowment out of the Revenues of Eton College of an annual Sum of Six hundred Pounds, or, in case the Vicar is provided with a Residence at the Expense of the College, such less Sum as the said Commissioners shall judge sufficient; and any such Scheme when approved of by Her Majesty in Council shall be of the same Force as if it had been contained in this Act.

Power to remove certain Schools to other Sites.

24. The Governing Bodies of Westminster, Charterhouse, and Shrewsbury Schools respectively may, if they deem it expedient, at any

any Time after the passing of this Act, lay a Scheme before Her Majesty in Council for the Removal of the School from its actual Site to some other Place, and may provide in such Scheme for the Sale or Mortgage of the existing Property of the Corporate Body maintaining the School, or for demising such Property for any Terms of Years at any real or nominal Rents, for the Purchase of other Property, and the Erection of new Buildings, and generally for all Matters (including the Sale of any surplus Property that may be purchased, and the Investment of the Money which may be produced by such Sale,) required to effect such Removal in a convenient Manner; and any such Scheme shall be subject to the same Provisions, and if approved shall take effect and be subject to Alteration, in the same Manner as Statutes made by a Governing Body:

Provided, firstly, that any Scheme made under this Section before the Expiration of the Powers by this Act conferred on the Special Commissioners shall be approved of by them before being laid before Her Majesty in Council; secondly, that the Power of making a Scheme under this Section shall not pass to the Special Commissioners after the First of January One thousand eight hundred and sixty-nine, or such further Time as may be determined by Her Majesty, as herein-after mentioned, but shall continue vested in the Governing Bodies of the said Schools respectively.

Any Person or Body of Persons, corporate or unincorporate, having the Control of Funds applicable to Educational Purposes, shall have Power, out of any Funds held by them for such Purposes, to purchase or take a Lease of the Property or any Part of the Property of either of the Corporate Bodies maintaining the said Schools when sold or leased under this Section, and to appropriate the same for Educational Purposes; but the Vendors shall not be responsible for the due Appropriation by the Purchasers of the Property bought by them.

Saving Clause as to interested Parties.

25. Nothing contained in this Act, or done in pursuance of the Powers thereby conferred, shall prejudice the Interest of any Member of the Governing Body or Master of any of the said Schools who may have been appointed to his Office previously to the passing of "The Public Schools Act, 1864," or the Interest of any other Member of the Collegiate Bodies of Eton or Winchester who may have been appointed to his Office previously to the passing of this Act, or the Interest of any Person in any Foundation or other Scholarship, Exhibition, or other like Emolument held by him at the Time of the passing of this Act.

26. Her

26. Her Majesty may, by Order in Council, at any Time before the First of January One thousand eight hundred and sixty-nine, extend the Time within which Governing Bodies of Schools are by this Act empowered to make Statutes to a Period not exceeding the First Day of January One thousand eight hundred and seventy. Extension of Time for Governing Bodies to make Statutes.

A

BILL

INTITULED

An Act to make further Provision for the good Government and Extension of certain Public Schools.

(*Brought from the Lords* 11 *March* 1867.)

Ordered, by The House of Commons, *to be Printed*, 15 *March* 1867.

[Bill 78.]

Under 2 *oz.*

A

B I L L

TO

Provide further Facilities for the Repair of Roads, Bridges, and other Public Works in Ireland in case of sudden Damage.

WHEREAS it is expedient that there should be further Facilities for the Repair of Roads, Bridges, and other Public Works in Ireland in case of sudden Damage: Preamble.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. Any Two Justices of the Peace at Petty Sessions in any County, County of a City, or County of a Town in Ireland, may, under their Hands and Seals, order any Sum not exceeding *Fifty Pounds* to be expended in repairing any Road, Bridge, Pier, Quay, Wall, House, Building, or other Work in such County, County of a City, or County of a Town, now or hereafter to be constructed and maintained by Grand Jury Presentment, which may be suddenly damaged, provided it shall appear to them that the Repairs of such Road, Bridge, Pier, Quay, Wall, House, Building, or other Work cannot be delayed until the next Assizes without Prejudice to the Public, and that the Necessity of the same shall be notified to them Any Two Justices may order Sums not exceeding 50*l.* for repairing sudden Damages to Roads, &c.

them by the County Surveyor; and it shall be lawful for such Justices to appoint a proper Person or Persons to repair the same; and the Grand Jury of any such County, County of a City, or County of a Town is hereby empowered to present at the next Assizes the Sum so expended in repairing any such Road, Bridge, Pier, Quay, Wall, House, Building, or other Work, to be levied on such County at large, or on the Barony, or on the County of a City or County of a Town in which the same is situate, according as the same is liable to be repaired by the said County at large, or by the said Barony, or by the said County of a City, or County of a Town; and the Sum so presented in the said several Cases shall be paid to the Person or Persons so appointed by such Justices to make such Repairs upon his or their producing such Order under the Hands and Seals of the said Justices, and also a Certificate under the Hand of the County Surveyor that the Sum specified in such Order appears to have been faithfully and honestly expended pursuant thereto: Provided always, that the same Justices of the Peace shall not make or sign more than One Order for the Expenditure of any Sum as aforesaid for the Reparation of the like sudden Damage between the Termination of one Assize and the Commencement of another.

In case of sudden Damage, Three Justices and Five Cesspayers may present Memorial to Lord Lieutenant.

2. When any Road, Bridge, Pier, Quay, Wall, House, Building, or other Work now or hereafter constructed or maintained by Grand Jury Presentment, and situate wholly within any County, County of a City, or County of a Town in Ireland, has been suddenly damaged, and it shall appear to any Three Justices of the County, County of a City, or County of a Town in which the same is situated, and to any Five of the Cesspayers appointed by the Grand Jury at the then preceding Assizes of the said County, County of a City, or County of a Town to be associated with the Justices at the ordinary Presentment Sessions to be holden next after such Assizes for the Purposes of the Act of the Sixth and Seventh Years of the Reign of King William the Fourth, Chapter One hundred and sixteen, for the Barony, Half Barony, County of a City, or County of a Town in which such Damage or the greater Part thereof has occurred, that the Repairs of such Road, or that the Repairs or rebuilding of any such Bridge, Pier, Quay, Wall, House, Building, or other Work cannot be delayed without Prejudice to the Public, and that the County Surveyor shall certify the Necessity of the same, and that the probable Cost of the same will exceed *Fifty* Pounds, it shall be lawful for the said Justices and Cesspayers to present a Memorial, signed by each of them, to the Lord Lieutenant or other Chief Governor or Governors of Ireland, stating the Nature of the sudden Damage to such Road, Bridge, Pier, Quay, Wall, House, Building, or other Work, the said Certificate of the County Surveyor, the Nature of the Works which

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are necessary, the Reasons why the same cannot be delayed without Prejudice to the Public, the probable Cost of the same, and the Mode in which the Cost of the Construction and Maintenance of such Road, Bridge, Pier, Quay, Wall, House, Building, or other Work was levied, and praying that he or they should order that an extraordinary Presentment Sessions for the County at large, Barony, Half Barony, County of a City, or County of a Town previously chargeable with the said Cost of Maintenance, or the greater Part thereof, should meet and assemble to consider an Application to be made by the said County Surveyor for the Works necessary to repair the said Damage.

Lord Lieutenant may direct Presentment of Works under this Act.

3. Whenever any such Memorial shall have been presented as aforesaid it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland, if he or they shall so think fit, by a Notice to be published in the Dublin Gazette and also in One or more Newspapers circulating in the District in which Damage is stated in said Memorial to have occurred, and of which Notice Copies shall be posted in the usual Places for posting public Grand Jury Notices in such District, to direct and require that an extraordinary Presentment Sessions for the County at large, Barony, Half Barony, County of a City, or County of a Town mentioned in said Memorial, shall meet and assemble at such Place in such District, for the Purpose of considering the Application for repairing the Damage stated as aforesaid, on such Day and Hour as shall be specified in such Notice, not being sooner than *Five* nor later than *Ten Days* after the Publication of such Notice in the Gazette as aforesaid; and it shall and may be lawful for every Justice of the Peace for the County, County of a City, or County of a Town in which such Extraordinary Presentment Sessions are holden respectively, not being a Stipendiary Magistrate, to attend, and such Justices respectively, and the Cesspayers associated with them respectively, as herein-after provided, are hereby required to assemble and to hold such Extraordinary Presentment Sessions respectively, for the Purposes of this Act, in such Place and at such Time as shall have been so appointed; and such Extraordinary Presentment Sessions shall in all respects be constituted as if the same had been appointed as an Ordinary Presentment Sessions by the Grand Jury of the said County, County of a City, or County of a Town by Presentment at the then preceding Assizes; and the Provisions contained in the said Act of the Sixth and Seventh Years of the Reign of King William the Fourth relative to the Selection of a Chairman, and of the Cesspayers to be associated with the Justices or Justice at Presentment Sessions, and to the Casting Voice of such Chairman, shall, so far as the same are applicable, extend to such Extraordinary

Justices to hold Sessions for the Purposes of this Act at the Time and Place appointed.

Presentment Sessions under this Act; and the Secretary of the Grand Jury and the County Surveyor shall attend thereat.

Applications to be made by County Surveyor.

4. The said County Surveyor shall make Application to such Extraordinary Presentment Sessions for the Works necessary to repair the Damage mentioned in the Notice of the holding of such Sessions, and for any temporary Works which may be necessary for the Convenience of the Public during the Progress of the said Works, and such Application shall be made in the Manner appointed for the making of Applications to Presentment Sessions by the recited Act of the Sixth and Seventh Years of the Reign of King William the Fourth; and it shall not be necessary to lodge any such Application with the Secretary of the Grand Jury, but such Application shall be delivered to the Chairman at such Extraordinary Presentment Sessions, and shall be dealt with thereat in the Manner herein-after provided.

Proceedings at Extraordinary Presentment Sessions.

5. At any Extraordinary Presentment Sessions holden as hereinbefore provided the Justices and Cesspayers associated in the Business of such Sessions shall take into Consideration the Application of the County Surveyor, and if the said Justices and Cesspayers at such Sessions as aforesaid shall approve of such Application, and of the Cost of the proposed Works, either wholly or in part, or of any Modification thereof, they shall direct the said County Surveyor to prepare such Specifications, Maps, Plans, Sections, or Elevations as may be necessary, expressing the Nature and Extent of such Works; and also to prepare a proper Form of Tender for the Execution of such Works, expressing the Nature and Extent of such Works, and the Materials proper to be employed in performing and executing the same, and the Term within which the same shall be completed, and such other Particulars as the said Justices and Cesspayers shall think fit to prescribe, and shall appoint the Manner in which Notice for the Receipt of sealed Tenders and Proposals for the Execution of such Work shall be given, and the Period during which they shall be received; and the Chairman of such Sessions shall endorse such Application accordingly, and sign his Name thereto, and deliver such Application, so indorsed, to the Secretary of the said Grand Jury.

Application, Tenders and Proposals, to be laid before Grand Jury.

6. Such Application, sealed Tenders and Proposals, shall be laid before the Grand Jury of the County, County of a City, or County of a Town in which such Extraordinary Sessions shall have been held, at the then next succeeding Assizes, and shall be subject to such and the like Regulations in all respects as other Applications and other Tenders and Proposals are respectively subject to under the Provisions of the recited Act of the Sixth and Seventh Years of the Reign of King William the Fourth, and any Act or Acts amending the same.

Public Works (Ireland).

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BILL

To provide further Facilities for the Repair of Roads, Bridges, and other Public Works in Ireland in case of sudden Damage.

(*Prepared and brought in by Lord Naas, Mr. Attorney General for Ireland, and Mr. Dick.*)

Ordered, by The House of Commons, *to be Printed* 18 *July* 1867.

[Bill 262.]

Under 1 *oz.*

A

B I L L

TO

Authorize further Advances of Money out of the Consolidated Fund for carrying on Public Works and Fisheries and for the Employment of the Poor; for the Purposes of the Public Works (Manufacturing Districts) Acts, 1863, 1864; and to amend the Acts authorizing Advances for Public Works.

WHEREAS an Act was passed in the Twenty-ninth and Thirtieth Years of Her present Majesty, Chapter Seventy-two, and sundry Advances or Loans have been made by the Commissioners of the same Act and the several Acts therein recited or referred to for the Purposes in the same Acts specified, and great Benefits have been derived therefrom: Preamble. 29 & 30 Vict. c. 72.

And whereas by "The Public Works (Manufacturing Districts) Act, 1863," and "The Public Works (Manufacturing Districts) Acts, 1863, 1864," (herein-after called the "Special Acts,") Powers were given to charge the Consolidated Fund with certain Sums to be at the Disposal of the Public Works Loan Commissioners, who were thereby empowered to make (with the 26 & 27 Vict. c. 70. 27 & 28 Vict. c. 104.

Authority of an Order of the Poor Law Board) Advances out of the Money for the Time being at their Disposal, whether under the Special Acts or any other Act for the Purpose of enabling Local Authorities in the Counties therein mentioned to give Employment to the Labouring and Manufacturing Classes by Execution of Works of public Utility and sanitary Improvement:

And whereas sundry Advances have been made by the said Commissioners in Exercise of the Powers conferred upon them by the first-mentioned Act, and the Acts therein recited, and the Special Acts, and great Benefits have been derived therefrom, and it is desirable further to extend the Benefits derived from the said Acts:

And whereas the Sums remaining at the Disposal of the said Commissioners are insufficient to meet the further Advances required for effecting the Objects herein-before mentioned, and it is expedient to make Provision for that Purpose:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to charge 300,000*l.* per Annum upon the Consolidated Fund by Issues not exceeding 75,000*l.* per Quarter.

1. For the Purposes of such Advances or Loans as aforesaid (exclusively of Advances or Loans for the Purposes of "The Harbours and Passing Tolls, &c. Act, 1861," "The Cattle Diseases Prevention Act, 1866," "The Labouring Classes Dwellings Houses Act, 1866," and "The Public Works (Manufacturing Districts) Act, 1863," and "The Public Works (Manufacturing Districts) Acts, 1863, 1864") the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the Time being are hereby empowered, by Warrant under the Hands of any Two or more of them, to cause to be issued out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or out of the growing Produce thereof, to the Account of the Commissioners for the Time being for the Reduction of the National Debt (in addition to the Sums authorized to be issued under the First herein-before recited Act) any Sum or Sums of Money not exceeding *Three hundred thousand Pounds* per Annum during the Three Years next ensuing the *Thirtieth Day of June One thousand eight hundred and sixty-seven,* by quarterly Instalments or Issues not exceeding Seventy-five thousand Pounds per Quarter, the First Instalment thereof to become due and payable in the Quarter ending the *Thirtieth Day of September One thousand eight hundred and sixty-seven.*

Charge on Consolidated Fund of not

2. For the Purposes of Loans under the said Special Acts, the Commissioners of Her Majesty's Treasury may from Time to Time, by

by Warrant under the Hands of Two or more of them, cause to be issued out of the Consolidated Fund of the United Kingdom, or the growing Produce thereof, to the Account of the Commissioners for the Reduction of the National Debt, any further Sum or Sums of Money not exceeding in the whole *Three hundred thousand Pounds*, such Money to be applied exclusively under the Special Acts, and to be at the Disposal of the Public Works Loan Commissioners, in like Manner in all respects as Money placed at their Disposal under the Act of the Session of the Twenty-ninth and Thirtieth Years of Her Majesty (Chapter Seventy-two), and the Acts therein recited, subject nevertheless to the Provisions of the Special Acts and this Act, which Provisions shall have full Effect notwithstanding anything in the Public Works Loan Act One thousand eight hundred and fifty-three or any other Act relating to the Public Works Loan Commissioners to the contrary contained.

exceeding 300,000*l.* to be at the Disposal of the Public Works Loan Commissioners.

3. In case any One or more of the quarterly Instalments or Issues authorized to be issued by the Act of the Twenty-ninth and Thirtieth Years of Her Majesty, Chapter Seventy-two, or by this Act, or by any other Act, already passed or hereafter to be passed, authorizing Issues quarterly out of the Consolidated Fund for the same or other like Purposes as in the said Acts respectively mentioned, shall not have been issued in the respective Quarters in which such quarterly Instalments or Issues were originally authorized to be issued, it shall be lawful for the Commissioners of Her Majesty's Treasury, from Time to Time, or at any Time after the Expiration of the authorized Quarter or Quarters respectively, to issue out of the Consolidated Fund or the growing Produce thereof, in like Manner and for the like Purpose as originally authorized, all or such Part or Parts of the Instalment or Issue, Instalments or Issues, so remaining unissued in the authorized Quarter or Quarters, as shall from Time to Time be required by the Commissioners for carrying the said Acts and this Act into execution: Provided always, that nothing in this Act contained shall authorize the Issue of any larger Sum of Money in the whole than the aggregate Amount of the quarterly Instalments or Issues which under the Terms of the Acts herein-before referred to and this Act may then have become due or issuable.

Instalments may be issued when required for Purposes of Loans under 29 & 30 Vict. c. 72., and this Act instead of quarterly.

4. The Commissioners of the said Act of the Twenty-ninth and Thirtieth Years of Her Majesty, Chapter Seventy-two, and of the several Acts therein recited, and of this Act, may upon the Application of the major Part of the Justices of any County, Riding, or Division in England in Quarter Sessions assembled, such major Part to consist of *Five* at the least, and upon the Application of the

Commissioners may make Advances for Police Stations, &c.

Council of any Borough, lend and advance and apportion or distribute and authorize to be paid for the Purpose of defraying the Expense of Works in progress, or the Expense to be incurred in building, rebuilding, enlarging, repairing, improving, or fitting up of Police Stations, Justices' Rooms, Depôts for Militia Arms and Stores, and Offices connected therewith respectively, or any of such Purposes, any Part or Parts of the Monies to be issued and paid out of the Consolidated Fund under the said Act or the several Acts therein recited, for such Times or Periods, at such Rate or Rates of Interest, upon such Security of Rates to be expressly made for such Purpose by the Justices of the Peace for the County or Council of the Borough in or to which such Police Stations, Justices' Rooms, Militia Depôts, and Offices shall be respectively situate or belong, and subject to such or the like Terms and Conditions, or any or either of them, as are in the same Acts respectively specified and prescribed in regard to Loans under the said Acts or any or either of them, or any Act or Acts having relation thereto; and in case any such Loans or Advances as aforesaid shall be made, such Justices or Council, as the Case may be, are hereby authorized, empowered, and required to make and assign such Rates as aforesaid on such or the like Terms, and subject to such or the like Provisions as are in and by an Act passed in the Fourth Year of His late Majesty King George the Fourth, Chapter Sixty-three, expressed and contained in regard to Advances or Loans to be made thereunder for building, enlarging, or repairing Gaols in England.

4 G. 4. c. 63.

29 & 30 Vict. c. 72. incorporated.

5. All the several Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures contained in and conferred and imposed by the said Act of the Session of the Twenty-ninth and Thirtieth Years of Her Majesty, Chapter Seventy-two, and the Acts therein recited, or any of them, so far as the same can be made applicable, and are not varied by the Special Acts or this Act, shall be taken to extend to this Act, and to everything to be done in pursuance of this Act, and as if the same were herein repeated and set forth.

Construction of Terms.

6. The Terms used in this Act shall be construed in like Manner as in the Special Acts.

Public Works Loans.

A

BILL

To authorize further Advances of Money out of the Consolidated Fund for carrying on Public Works and Fisheries and for the Employment of the Poor; for the Purposes of the Public Works (Manufacturing Districts) Acts, 1863, 1864; and to amend the Acts authorizing Advances for Public Works.

(*Prepared and brought in by Mr. Dodson, Mr. Chancellor of the Exchequer, and Mr. Hunt.*)

Ordered, by The House of Commons, *to be Printed*, 28 *May* 1867.

[Bill 172.]

Under 1 *oz.*

A

BILL

TO

Confirm Provisional Orders for the Quinagh and Parsonstown Drainage Districts respectively.

WHEREAS the Commissioners of Public Works in Ireland have, in pursuance of "The Drainage and Improvement of Lands Act (Ireland), 1863," and the Acts amending the same, duly made the Provisional Orders contained in the First and Second Parts of the Schedule to this Act annexed, and it is by the first-mentioned Act provided, that no such Orders shall be of any Validity whatsoever until they shall be confirmed by Parliament; and it is expedient that said Orders should be so confirmed: Preamble.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. The Provisional Orders contained in the First and Second Parts of the Schedule hereto annexed are hereby confirmed, and from and after the *passing of this Act* shall be deemed to be a Public General Act of Parliament, of the like Force and Effect as if the Provisions of the same had been enacted in the Body of this Act. Provisional Orders in Schedule confirmed.

Nothing contained in recited Act to render legal Works executed by Board injuriously affecting Land.

2. It is hereby declared, That as against any Person owning or interested in any Land or other Property situate beyond the Limits of the Jurisdiction of the Board established by this Act, nothing contained in the said Drainage and Improvement of Lands Act (Ireland), 1863, or in the said Provisional Orders, or in this Act, shall be construed to render legal any Work executed or to be executed by such Board that would if said Acts had not been passed have been illegal, by reason of its injuriously affecting such Land or Property; and any Damages adjudged to be paid by the said Board to any Person as aforesaid shall be deemed to be Part of the Costs incurred by such Board in defending legal Proceedings instituted against them, and shall be defrayed in manner in which the said Costs are authorized to be defrayed by "The Drainage and Improvement of Lands Act (Ireland), 1863."

Short Title.

3. This Act may be cited for all Purposes as "The Drainage and Improvement of Lands Supplemental Act (Ireland), 1867."

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SCHEDULE to which this Act refers.

PART I.

Drainage and Improvement of Lands Act (*Ireland*), 1863, 26*th and* 27*th Vict. Cap.* 88., 27*th and* 28*th Vict. Cap.* 72., 28*th and* 29*th Vict. Cap.* 52.

In the Matter of Quinagh Drainage District in the County of Carlow.

Whereas certain Proprietors of and Persons interested in the Lands adjoining the Quinagh River, on or about the 2d Day of March 1867 presented their Petition to the Commissioners of Public Works in Ireland, under the Provisions of the Drainage and Improvement of Lands Act (Ireland), 1863, accompanied by the proper Schedules, Maps, Plans, Sections, and Estimates, together with other Particulars and Information required by the said Act, showing by Reference to the said Maps the Boundaries and Area of the Drainage District, and stating the Exigencies rendering the Formation of such Drainage District necessary, and praying that the said Lands within the proposed District should be constituted a separate Drainage District under the Provisions of the said Act: And whereas the said Commissioners referred the same to Samuel U. Roberts, Esquire, Civil Engineer, an Inspector duly appointed under said Act: And whereas all Notices and Inquiries required by the said Act have been duly given and made, and the said Inspector has duly reported to us the said Commissioners in Writing the Result of his Inquiries, and we the said Commissioners have duly considered the same, and no Objections to the Report of the said Inspector have been made to us, and all Preliminaries required by the said Act to precede the making of this Provisional Order have been performed and complied with: And whereas we the said Commissioners of Public Works in Ireland, upon Consideration of the Premises, are satisfied of the Propriety of constituting the proposed separate Drainage District, and that the Proprietors of Two Third Parts in Value of the Lands in the proposed District are in favour thereof, and have subsequently to the Date of the Report of the said Inspector assented thereto in Writing: Now therefore, in pursuance of the Power given to us by the said Act, we the Commissioners of Public Works in Ireland, do by this Provisional Order under our Common Seal constitute the Area in the said Petition and Report (and the Boundaries and Extent of which are set forth within Yellow Lines in certain Maps to which we have caused our Common Seal to be attached, and which Maps are deposited in the Office of Public Works in Ireland,) a separate Drainage District by the Name of "The Quinagh Drainage District," and we do declare that the Lands to be purchased for the proposed Works in such Disttict (subjecr to such Alterations and Deviations therefrom as we the said Commissioners may hereafter sanction) are the Lands in that Behalf shown and set forth in the said Maps and the Schedule thereto annexed marked with the Letter B., and also sealed with our Common Seal.

And we the said Commissioners of Public Works do by this our Order order and direct that the Time for Completion of the necessary Works in the said

District shall be limited to the 1st Day of March which will be in the Year 1869.

And we do further by this our Provisional Order make the following Regulations with respect to the Drainage Board:

That the Drainage Board for the said District shall consist of Three Members:

That the following Persons shall be the Members of the First Drainage Board; viz.,

George Alexander of Ruvindon, Leighlin Bridge in the County of Carlow, Esquire:

John Alexander of Milford House in the County of Carlow, Esquire:

William Johnson of Prumplestown in the County of Carlow, Esquire:

That the First Meeting of the said Board shall be summoned by Notice under the Hands of any Two or more of the said Board, published in the Dublin Gazette and some Newspaper generally circulated in the said District at least Fourteen Days next before the Day of Meeting:

That the Qualification of any subsequent Member of the said Board shall be that he shall be the Proprietor, as defined by the said Act and the Acts referred to therein or incorporated therewith, of not less than Twenty Acres of Land situate within the Area of the said District, or the Land Agent for the Time being of a Person being a Proprietor as aforesaid of not less than One hundred Acres of Land situate within the Area of said District, and acting as Receiver of the Rents and Profits of such Lands:

That the Members of the First Board shall vacate their Offices on the First Thursday in September in the Year following the Date of this Provisional Order.

That the Electors for Members of the Drainage Board shall be the Persons in that Behalf mentioned in the said Act: Provided always, that no such Elector shall be entitled to vote or exercise any Privilege as such unless the Lands of which he is the Proprietor, or some Portion thereof, shall be rateable on account of the Works in the District, and he shall have previously paid all Rates or Arrears of Rates which may be payable by him in respect of any Drainage Rate for the aforesaid District.

In witness whereof we the said Commissioners of Public Works in Ireland, have hereunto caused our Common Seal to be affixed, this 25th Day of July 1867.

E. Hornsby,
Secretary.

Seal.

Office of Public Works,
Dublin.

PART II.

Drainage and Improvement of Lands Act (*Ireland*), 1863, 26*th and* 27*th Vict. Cap.* 88., 27*th and* 28*th Vict. Cap.* 72., 28*th and* 29*th Vict. Cap.* 52.

In the Matter of Parsonstown Drainage District in the County of Tipperary and King's County.

Whereas certain Proprietors of and Persons interested in the Lands adjoining the Little Brosna River on or about the 31st Day of December 1866 presented their Petition to the Commissioners of Public Works in Ireland, under the Provisions

visions of "The Drainage and Improvement of Lands Act (Ireland), 1863," accompanied by the proper Schedules, Maps, Plans, Sections, and Estimates, together with other Particulars and Information required by the said Acts, showing by Reference to the said Maps the Boundaries and Area of the Drainage District, and stating the Exigencies rendering the Formation of such Drainage District necessary, and praying that the said Lands within the proposed District should be constituted a separate Drainage District under the Provisions of the said Act: And whereas the said Commissioners referred the same to Samuel Usher Roberts, Esquire, Civil Engineer, an Inspector duly appointed under said Act: And whereas all Notices and Inquiries required by the said Act have been duly given and made, and the said Inspector has duly reported to us the said Commissioners in Writing the Result of his Inquiries, and we the said Commissioners have duly considered the same, and no Objections to the Report of the said Inspector have been made to us, and all Preliminaries required by the said Act to precede the making of this Provisional Order have been performed and complied with: And whereas we the said Commissioners of Public Works in Ireland, upon Consideration of the Premises, are satisfied of the Propriety of constituting the proposed separate Drainage District, and that the Proprietors of Two Third Parts in Value of the Lands in the proposed District are in favour thereof, and have subsequently to the Date of the Report of the said Inspector assented in Writing: Now therefore, in pursuance of the Power given to us by the said Act, we, the Commissioners of Public Works in Ireland, do by this Provisional Order under our Common Seal constitute the Area in the said Petition and Report, and the Boundaries and Extent of which are set forth within Yellow Lines on certain Maps to which we have caused our Common Seal to be attached, and which Maps are deposited in the Office of Public Works in Ireland, a separate Drainage District by the Name of "The Parsonstown Drainage District," and we do declare that the Lands to be purchased for the proposed Works in such District (subject to such Alterations and Deviations therefrom as we the said Commissioners may hereafter sanction) are the Lands in that Behalf shown and set forth in the said Maps and the Schedule thereto annexed, marked with the Letter B., and also sealed with our Common Seal; and we the said Commissioners of Public Works do by this our Order order and direct that the Time for Completion of the necessary Works in the said District shall be limited to the 1st Day of March which will be in the Year 1870.

And we do further by this our Provisional Order make the following Regulations with respect to the Drainage Board:

That the Drainage Board for the said District shall consist of Ten Members:

That the following Persons shall be the Members of the First Drainage Board; viz.—

The Right Honourable the Earl of Rosse of Birr Castle, King's County:
Michael Bernard Mullins, Esquire, of Ballyeigan, King's County:
John Lloyd, Esquire, of Gloster, County Tipperary:
Thomas Hackett, Esquire, of Moor Park, King's County:
John Julian, Esquire, Lower Sackville Street, Dublin, and John Rutherford, Esquire, of Clonoghill, King's County, Trustees of Charles B. Baldwin's Estate:
Captain George Garvey, R.N., of Parsonstown, King's County:
Major William T. Bruce of Parsonstown, King's County:
George Smith, Esquire, of Gurteen, King's County:
Francis H. Toone, Esquire, of Ballincor, King's County:
Robert Dowd, Esquire, of Brosna Mills, County Tipperary:

That the First Meeting of the said Board shall be summoned by Notice under the Hands of any Two or more of the said Board, published in the Dublin Gazette, and some Newspaper generally circulated in the said District, at least Fourteen Days next before the Day of Meeting:

That the Qualification of any subsequent Member of the said Board shall be that he shall be the Proprietor, as defined by the said Act and the Acts referred to therein or incorporated therewith, of not less than Twenty Acres of Land situate within the Area of the said District, or the Land Agent for the Time being of a Person being a Proprietor as aforesaid of not less than One hundred Acres of Land situate within the Area of said District, and acting as Receiver of the Rents and Profits of such Lands:

That the Members of the First Board shall vacate their Offices on the First Thursday in September in the Year following the Date of this Provisional Order:

That the Electors for Members of the Drainage Boards shall be the Persons in that Behalf mentioned in the said Act: Provided always, that no such Elector shall be entitled to vote or exercise any Privilege as such unless the Lands of which he is the Proprietor, or some Portion thereof, shall be rateable on account of the Works in the District, and he shall have previously paid all Rates or Arrears of Rates which may be payable by him in respect of any Drainage Rate for the aforesaid District.

In witness whereof we the said Commissioners of Public Works in Ireland have hereunto caused our Common Seal to be affixed, this 25th Day of July 1867.

E. Hornsby,
Secretary.

Seal.

Office of Public Works, Dublin.

Quinagh and Parsonstown Drainage.

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B I L L

TO

Confirm Provisional Orders for the Quinagh and Parsonstown Drainage Districts respectively.

(*Prepared and brought in by Mr. Hunt and Lord Naas.*)

Ordered, by The House of Commons, *to be Printed*, 31 *July* 1867.

[Bill 294.]

Under 1 *oz.*

A

BILL

FOR

The better Regulation and Supervision by the Board of Trade of the Accounts of Railway and other Joint Stock Companies.

WHEREAS it is expedient to make Provision for the better Regulation and Supervision by the Board of Trade of the Accounts of Railway and other Joint Stock Companies: Preamble.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

1. This Act may be cited as "The Companies Audit of Accounts Act, 1867." Short Title.

2. The several Terms "Railway Company," "Railway," "Debenture Stock," and "Act of Parliament," shall in this Act have the same Meanings assigned to them as are assigned to them by the Railway Companies Securities Act, 1866. Interpretation of Terms.

The Term "Limited Company" shall include every Company registered under the Companies Act, 1862.

The Term "Company" shall mean every Company by this Act included within the Terms "Railway Company" and "Limited Company."

Half Years for the Purposes of this Act.

3. Half Years shall for the Purposes of this Act be deemed to end on the Thirtieth of June and the Thirty-first of December, and the First Half Year to which this Act applies shall be that ending on the Thirty-first Day of December One thousand eight hundred and sixty-seven; but the Board of Trade, on the Application of any Railway Company, may (by Writing under the Hand of One of their Secretaries or Assistant Secretaries which shall be registered by the Railway Company at the Office of the Registrar of Joint Stock Companies for England) appoint with respect to that Company other Days for the ending of Half Years (including the First).

Railway Accounts and Balance Sheet to be made out half-yearly.

4. Within *Forty Days* after the End of each Half Year every Railway Company shall make out full and true Accounts and Balance Sheets in the Forms to be from Time to Time prescribed by the Board of Trade, setting forth all the Particulars required by Sections One hundred and fifteen and One hundred and sixteen of the Companies Clauses Consolidation Act, 1845, with respect to Accounts and Balance Sheets, and also the Amount of Dividend (if any) to be recommended for Declaration at the ensuing Meeting, and such other Information as the Board of Trade may require.

Limited Company's Balance Sheets to be made out yearly.

5. *Fourteen* Days at the least before every Ordinary Meeting of a Limited Company, and *once* at least in each Year, every Limited Company shall make out a Balance Sheet in the Form prescribed in the First Schedule (Table A.) of the Companies Act, 1862, and showing the Amount of Dividend, if any, to be recommended for Declaration at the ensuing Meeting, or in such other Form as shall in that respect from Time to Time be prescribed by the Board of Trade.

Board of Trade to have Power to vary the Forms from Time to Time.

6. The Board of Trade may from Time to Time, by Notice published in the London, Edinburgh, and Dublin Gazettes, prescribe the Form in which such Accounts and Balance Sheets are to be made.

Accounts and Balance Sheets to be perused by Shareholders, &c.

7. The Accounts and Balance Sheets of each Company may be perused at all reasonable Times without Payment by any Shareholder, Proprietor, Contributor, Stockowner, Mortgagee, Bond Creditor, or Holder of Debenture Stock of the Company, or any Person interested in any Mortgage, Bond, or Debenture Stock of the Company.

8. Within

Half-yearly Railway Accounts and Balance Sheet to be deposited with the Board of Trade and Registrar of Joint Stock Companies.

8. Within *Forty-eight* Days after the End of each Half Year, and *Six* Days at the least before each Ordinary Half-yearly Meeting, every Railway Company shall deposit with the Board of Trade, and with the Registrar of Joint Stock Companies in England, a Copy of the Accounts and Balance Sheets required by Section Four of this Act, certified and signed by the Company's registered Officer under the Railway Companies Securities Act, 1866, and by the Accountant and Two of the Directors for the Time being of the Company, as a true Copy of such Account and Balance Sheet.

Limited Company's Balance Sheets to be deposited with the Board of Trade and Registrar of Joint Stock Companies.

9. *Seven* Days at the least before every Ordinary Meeting of the Limited Company, and once at least in each Year, every Limited Company shall deposit with the Board of Trade, and with the Registrar of Joint Stock Companies in England, a Copy of the Balance Sheet required by Section Five of this Act, certified and signed by their Secretary or other Officer and by Two of the Directors of such Limited Company as a true Copy of such Balance Sheet.

No Dividend to be declared until Accounts, &c. deposited.

10. After the First Day of January One thousand eight hundred and sixty-eight it shall not be lawful for any Company to declare a Dividend unless and until such Company has deposited the Accounts and Balance Sheets required by this Act to be deposited by such Company.

Deposits in Scotland or Ireland.

11. A Company may also, if they think fit, deposit with the Registrar of Joint Stock Companies in Scotland, with the Assistant Registrar of Joint Stock Companies in Ireland, or with each, a like Copy of any Accounts and Balance Sheets of the Company.

Board of Trade may require Accounts, &c. to be verified.

12. The Board of Trade may require such Accounts and Balance Sheets to be verified by the Company, and for that Purpose may require the Production of the Books and other Documents of the Company, and such other Information from the Company as the Board of Trade may from Time to Time deem necessary for enabling them to investigate and audit such Accounts and Balance Sheets.

Examination of Affairs of Company by Inspectors.

13. The Board of Trade may appoint One or more competent Inspectors to examine into the Affairs of any Railway Company under this Act, and to report thereon in such Manner as the Board may direct, upon the Applications following:—

(a.) Upon the Application of the Chairman and Deputy Chairman or of any *Two* of the Directors and their Secretary:

(b.) Upon the Application of not less than *Ten* Holders of Ordinary or Preference Shares whose Holdings in the aggregate shall amount to not less than *One Twentieth* Part of the Capital of the Company:

(c.) Upon the Application of not less than *Ten* Holders of Debentures or Debenture Stock the nominal Amount

of which Debentures and Debenture Stock shall in the aggregate be not less than *One Tenth* of the Loan Capital of the Company.

Application for Inspection to be supported by Evidence.

14. The Application shall be supported by such Evidence as the Board of Trade may require for the Purpose of showing that the Applicants have good Reason for requiring such Investigation to be made, and that they are not actuated by malicious Motives in instituting the same. The Board of Trade may also require the Applicants to give Security for Payment of the Costs of the Inquiry before appointing any Inspector or Inspectors.

Inspection of Books.

15. It shall be the Duty of all Officers and Agents of the Railway Company to produce for the Examination of the Inspectors all Books and Documents in their Custody or Power. Any Inspector may examine upon Oath the Officers and Agents of the Railway Company in relation to its Business, and may administer such Oath accordingly. If any Officer or Agent refuses to produce any Book or Document hereby directed to be produced, or to answer any Question relating to the Affairs of the Railway Company, he shall incur a Penalty not exceeding *Five Pounds* in respect of each Offence.

Result of Examination how dealt with.

16. Upon the Conclusion of the Examination the Inspectors shall report their Opinion to the Board of Trade. Such Report shall be written or printed as the Board of Trade directs. A Copy shall be forwarded by the Board of Trade to the Office of the Registrar of Joint Stock Companies for England, and at the Office of the Railway Company, and a further Copy shall, at the Request of the Persons upon whose Application the Inspection was made, be delivered to them or to any One or more of them. All Expenses of and incidental to any such Examination as aforesaid shall be defrayed by the Persons upon whose Application the Inspectors were appointed, unless the Board of Trade shall direct the same to be paid out of the Assets of the Railway Company, which it is hereby authorized to do.

Report of Inspectors to be Evidence.

17. A Copy of the Report of any Inspectors appointed under this Act, authenticated by the Seal of the Railway Company into whose Affairs they have made Inspection, shall be admissible in Evidence in any legal Proceeding as Evidence of the Opinion of the Inspectors in relation to any Matter contained in such Report.

Penalty on Company failing to register.

18. If at any Time any Company fail to deposit with the Board of Trade or with the Registrar of Joint Stock Companies in England within the Time required by this Act such a Copy as aforesaid of the Accounts and Balance Sheets, or fail to verify the same, or to produce their Books and other Documents when required as aforesaid, or to supply the Information from Time to Time required by the

the Board of Trade, then and in every such Case they shall be deemed guilty of an Offence against this Act, and shall for every such Offence be liable on a summary Conviction to a Penalty not exceeding *Twenty Pounds*, and in case of a continuing Offence to a further Penalty not exceeding *Five Pounds* for every Day during which the same continues after the Day on which the First Penalty is incurred.

Power to inspect Documents on Payment of a Fee.

19. Every Person may inspect the Documents kept by any Registrar or Assistant Registrar under this Act, on paying a Fee of *One Shilling* for each Inspection as regards each Company; and any Person may require a Copy or Extract of any of those Documents to be certified by the Registrar or Assistant Registrar, on paying for such certified Copy or Extract a Fee of *Sixpence*, and a further Fee of *Sixpence* for every *Two hundred* Words or fractional Part of *Two hundred* Words after the first *Two hundred* Words.

Penalty on registered Officer.

20. If any Director or Officer of a Company signs any Account, Balance Sheet, or Statement under this Act, knowing the same to be false in any Particular, he shall be deemed guilty of an Offence against this Act.

Punishment for Offences against Act.

21. If any Director or Officer of Company is guilty of an Offence against this Act he shall be liable, on Conviction thereof on Indictment, to Fine or Imprisonment, or on summary Conviction thereof to a Penalty not exceeding *Ten Pounds*.

Nothing to affect Liability of Company.

22. Nothing in this Act, or in any Account, Balance Sheet, or Statement under it, shall affect in any Action or Suit any Question respecting any Loan, Debt, Liability, Mortgage, Bond, or Debenture Stock, as between a Company or any Director or Officer of a Company on the one Side, and any Person or Class of Persons on the other Side.

Accounts, &c. not to be Evidence for Company.

23. An Account, Balance Sheet, or Statement under this Act shall not be admissible as Evidence in favour of a Company of the Truth of any Matter therein stated.

Railway and Joint Stock Companies' Accounts.

A

B I L L

For the better Regulation and Supervision by the Board of Trade of the Accounts of Railway and other Joint Stock Companies.

(*Prepared and brought in by Sir William Hutt and Mr. Ellice.*)

Ordered, by The House of Commons, *to be Printed*, 4 *June* 1867.

[Bill 188.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

The better Regulation and Supervision by the Board of Trade of the Accounts of Railway and other Joint Stock Companies.

WHEREAS it is expedient to make Provision for the better Regulation and Supervision by the Board of Trade of the Accounts of Railway and other Joint Stock Companies: Preamble.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

1. This Act may be cited as "The Companies Audit of Accounts Act, 1867." Short Title.

2. The several Terms "Railway Company," "Railway," "Debenture Stock," and "Act of Parliament," shall in this Act have the same Meanings assigned to them as are assigned to them by the Railway Companies Securities Act, 1866. Interpretation of Terms.

The Term "Limited Company" shall include every Company registered under the Companies Act, 1862.

The Term "Company" shall mean every Company by this Act included within the Terms "Railway Company" and "Limited Company."

Half Years for the Purposes of this Act.

3. Half Years shall for the Purposes of this Act be deemed to end on the Thirtieth of June and the Thirty-first of December, and the First Half Year to which this Act applies shall be that ending on the Thirty-first Day of December One thousand eight hundred and sixty-seven; but the Board of Trade, on the Application of any Railway Company, may (by Writing under the Hand of One of their Secretaries or Assistant Secretaries which shall be registered by the Railway Company at the Office of the Registrar of Joint Stock Companies for England) appoint with respect to that Company other Days for the ending of Half Years (including the First).

Railway Accounts and Balance Sheet to be made out half-yearly.

4. Within Two Months after the End of each Half Year every Railway Company shall make out full and true Accounts and Balance Sheets in the Forms to be from Time to Time prescribed by the Board of Trade, setting forth a full Statement of all Assets and Liabilities, and all the Particulars required by Sections One hundred and fifteen and One hundred and sixteen of the Companies Clauses Consolidation Act, 1845, with respect to Accounts and Balance Sheets, and also the Amount of Dividend (if any) to be recommended for Declaration at the ensuing Meeting, and such other Information as the Board of Trade may require.

Limited Company's Balance Sheets to be made out yearly.

5. Fourteen Days at the least before every Ordinary Meeting of a Limited Company, and once at least in each Year, every Limited Company shall make out a Balance Sheet in the Form prescribed in the First Schedule (Table A.) of the Companies Act, 1862, and showing the Amount of Dividend, if any, to be recommended for Declaration at the ensuing Meeting, or in such other Form as shall in that respect from Time to Time be prescribed by the Board of Trade.

Board of Trade to have Power to vary the Forms from Time to Time.

6. The Board of Trade may from Time to Time, by Notice published in the London, Edinburgh, and Dublin Gazettes, prescribe the Form in which such Accounts and Balance Sheets are to be made.

Accounts and Balance Sheets to be perused by Shareholders, &c.

7. The Accounts and Balance Sheets of each Company may be perused at all reasonable Times without Payment by any Shareholder, Proprietor, Contributor, Stockowner, Mortgagee, Bond Creditor, or Holder of Debenture Stock of the Company, or any Person interested in any Mortgage, Bond, or Debenture Stock of the Company.

8. Within

Half-yearly Railway Accounts and Balance Sheet to be deposited with the Board of Trade and Registrar of Joint Stock Companies.

8. Within Two Months after the End of each Half Year, and Six Days at the least before each Ordinary Half-yearly Meeting, every Railway Company shall deposit with the Board of Trade, and with the Registrar of Joint Stock Companies in England, a Copy of the Accounts and Balance Sheets required by Section Four of this Act, certified and signed by the Company's registered Officer under the Railway Companies Securities Act, 1866, and by the Accountant and Two of the Directors for the Time being of the Company, as a true Copy of such Account and Balance Sheet.

Limited Company's Balance Sheets to be deposited with the Board of Trade and Registrar of Joint Stock Companies.

9. Seven Days at the least before every Ordinary Meeting of the Limited Company, and once at least in each Year, every Limited Company shall deposit with the Board of Trade, and with the Registrar of Joint Stock Companies in England, a Copy of the Balance Sheet required by Section Five of this Act, certified and signed by their Secretary or other Officer and by Two of the Directors of such Limited Company as a true Copy of such Balance Sheet.

No Dividend to be declared until Accounts, &c. deposited.

10. After the First Day of January One thousand eight hundred and sixty-eight it shall not be lawful for any Company to declare a Dividend unless and until such Company has deposited the Accounts and Balance Sheets required by this Act to be deposited by such Company; and in the Case of a Railway Company, such Accounts and Balance Sheets shall be accompanied by a Report, signed by the Engineer, setting forth the Condition of the permanent Way and Works of the Company at the Time to which such Accounts and Balance Sheets are made up.

Deposits in Scotland or Ireland.

11. A Company may also, if they think fit, deposit with the Registrar of Joint Stock Companies in Scotland, with the Assistant Registrar of Joint Stock Companies in Ireland, or with each, a like Copy of any Accounts and Balance Sheets of the Company.

Examination of Affairs of Company by Inspectors.

12. The Board of Trade may appoint One or more competent Inspectors to examine into the Affairs of any Railway Company under this Act, and to report thereon in such Manner as the Board may direct, upon the Applications following:—

(a.) Upon the Application of the Chairman and Deputy Chairman or of any Two of the Directors and their Secretary:

(b.) Upon the Application of not less than Ten Holders of Ordinary or Preference Shares whose Holdings in the aggregate shall amount to not less than One Twentieth Part of the Capital of the Company:

(c.) Upon the Application of not less than Ten Holders of Debentures or Debenture Stock the nominal Amount

of which Debentures and Debenture Stock shall in the aggregate be not less than One Tenth of the Loan Capital of the Company.

Application for Inspection to be supported by Evidence.

13. Within Twenty-four Hours after the Application is made to the Board of Trade the Applicants shall send a Copy of such Application to the Company affected. The Application shall be supported by such Evidence as the Board of Trade may require for the Purpose of showing that the Applicants have good Reason for requiring such Investigation to be made, and that they are not actuated by malicious Motives in instituting the same, and the Board of Trade may, if it see fit, hear the Company affected on the Subject of the Application. The Board of Trade may also require the Applicants to give Security for Payment of the Costs of the Inquiry before appointing any Inspector or Inspectors.

Inspection of Books.

14. It shall be the Duty of all Officers and Agents of the Railway Company to produce for the Examination of the Inspectors all Books and Documents in their Custody or Power. Any Inspector may examine upon Oath the Officers and Agents of the Railway Company in relation to its Business, and may administer such Oath accordingly. If any Officer or Agent refuses to produce any Book or Document hereby directed to be produced, or to answer any Question relating to the Affairs of the Railway Company, he shall incur a Penalty not exceeding Five Pounds in respect of each Offence.

Result of Examination how dealt with.

15. Upon the Conclusion of the Examination the Inspectors shall report their Opinion to the Board of Trade. Such Report shall be written or printed as the Board of Trade directs. A Copy shall be forwarded by the Board of Trade to the Office of the Registrar of Joint Stock Companies for England, and at the Office of the Railway Company, and a further Copy shall, at the Request of the Persons upon whose Application the Inspection was made, be delivered to them or to any One or more of them. All Expenses of and incidental to any such Examination as aforesaid shall be defrayed by the Persons upon whose Application the Inspectors were appointed, unless the Board of Trade shall direct the same to be paid out of the Assets of the Railway Company, which it is hereby authorized to do.

Report of Inspectors to be Evidence.

16. A Copy of the Report of any Inspectors appointed under this Act, authenticated by the Board of Trade, shall be admissible in Evidence in any legal Proceeding as Evidence of the Opinion of the Inspectors in relation to any Matter contained in such Report.

17. If

Penalty on Company failing to register.

17. If at any Time any Company fail to deposit with the Board of Trade or with the Registrar of Joint Stock Companies in England within the Time required by this Act such a Copy as aforesaid of the Accounts and Balance Sheets, or fail to verify the same, or to produce their Books and other Documents when required as aforesaid, or to supply the Information from Time to Time required by the Board of Trade, then and in every such Case they shall be deemed guilty of an Offence against this Act, and shall for every such Offence be liable on a summary Conviction to a Penalty not exceeding Twenty Pounds, and in case of a continuing Offence to a further Penalty not exceeding Five Pounds for every Day during which the same continues after the Day on which the First Penalty is incurred.

Power to inspect Documents on Payment of a Fee.

18. Every Person may inspect the Documents kept by any Registrar or Assistant Registrar under this Act, on paying a Fee of One Shilling for each Inspection as regards each Company; and any Person may require a Copy or Extract of any of those Documents to be certified by the Registrar or Assistant Registrar, on paying for such certified Copy or Extract a Fee of Sixpence, and a further Fee of Sixpence for every Two hundred Words or fractional Part of Two hundred Words after the first Two hundred Words.

Penalty on registered Officer.

19. If any Director or Officer of a Company signs any Account, Balance Sheet, Report, or Statement under this Act, knowing the same to be false in any Particular, he shall be deemed guilty of an Offence against this Act

Punishment for Offences against Act.

20. If any Director or Officer of Company is guilty of an Offence against this Act he shall be liable, on Conviction thereof on Indictment, to Fine or Imprisonment, or on summary Conviction thereof to a Penalty not exceeding Ten Pounds.

Nothing to affect Liability of Company.

21. Nothing in this Act, or in any Account, Balance Sheet, Report, or Statement under it, shall affect in any Action or Suit any Question respecting any Loan, Debt, Liability, Mortgage, Bond, or Debenture Stock, as between a Company or any Director or Officer of a Company on the one Side, and any Person or Class of Persons on the other Side.

Accounts, &c. not to be Evidence for Company.

22. An Account, Balance Sheet, Report, or Statement under this Act shall not be admissible as Evidence in favour of a Company of the Truth of any Matter therein stated.

Railway and Joint Stock Companies' Accounts.

A

B I L L

[AS AMENDED IN COMMITTEE]

For the better Regulation and Supervision by the Board of Trade of the Accounts of Railway and other Joint Stock Companies.

(Prepared and brought in by Sir William Hutt and Mr. Ellice.)

Ordered, by The House of Commons, *to be Printed*, 15 *July* 1867.

[Bill 252.]

Under 1 *oz.*

Railway Companies Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preliminary.

Clauses.

1. Short Title.
2. Extent of Act.
3. Interpretation.

I.—Remedies of Judgment Creditors.

4. Restriction on Execution against Property.
5. Suit in Chancery to obtain Benefit of Judgment.
6. Appointment of Receiver and Manager, and Distribution of Receipts.

II.—Arrangements with Creditors.

7. Preparation and filing of Scheme of Arrangement.
8. Stay of Actions.
9. Notice in Gazette.
10. Stay of Executions, &c.
11. Assent by Creditors.
12. Assent by Preference Shareholders.
13. Assent by Ordinary Shareholders.
14. Assent by Leasing Company.
15. Assent of Creditors, &c. not affected, unnecessary.
16. Application for Confirmation of Scheme.
17. Confirmation of Scheme.
18. Inrolment and Effect of Scheme.
19. Notice of Confirmation of Scheme.
20. Printing and Sale of Scheme.

III.—Winding up.

21. Application to Company of Provisions for winding up by Court.
22. Power of Sale of Railway.

Clauses.
23. Advertisement, &c. of Sale.
24. Duties, Liabilities, &c. of Purchasers.
25. Power of Sale in ordinary Winding-up.
26. Application of Enactments relating to Railways.
27. Notice to Board of Trade of voluntary Winding-up.

IV.—Proceedings in Court.

28. Power for Enlargement of Time.
29. Notice to Board of Trade.
30. General Orders of Court of Chancery.

V.—Loan Capital.

31. Interest on Debenture Stock.
32. Advances to meet Mortgages falling due.
33. Power to Trustees to lend on Debenture Stock.

VI.—Abandonment.

34. Extension of Abandonment Act, 13 & 14 Vict. c. 83.
35. Release of Deposit.
36. Protection for Board of Trade in case of Error.

VII.—Purchase of Land.

37. Amendment (as to Railway Companies) of Section 85 of Lands Clauses Act.

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B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Amend the Law relating to Railway Companies.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Railway Companies Act, 1867. Short Title.

2. This Act shall not extend to Scotland. Extent of Act.

3. In this Act—

The Term "Company" means a Railway Company, that is to say,—a Company constituted by Act of Parliament, or by Certificate under Act of Parliament, for the Purpose of constructing, maintaining, or working a Railway (either alone or in conjunction with any other Purpose): Interpretation.

The Term "Action" includes Suit or other Proceeding:

The Term "Judgment" includes Decree, Order, or Rule:

The Term "Share" includes Stock:

The Term "Person" includes Corporation.

The Term "Gazette" means, with respect to England the London Gazette, and with respect to Ireland the Dublin Gazette.

I.—Remedies of Judgment Creditors.

Restriction on Execution against Property.

4. Where Judgment is recovered against a Company whose Railway or Part thereof is open for Public Traffic in an Action on a Contract entered into after the Thirty-first Day of October One thousand eight hundred and sixty-seven (for Supply of Goods, Loan of Money on Mortgage or Bond, Purchase of Land, or other Purpose), the same shall not be enforceable by Execution against the Real or Personal Property of the Company.

Suit in Chancery to obtain Benefit of Judgment.

5. Where any Person has before or after the passing of this Act recovered Judgment against a Company (whether in an Action on a Contract or not), and the Judgment Debt (with Costs) is not paid within Two Months after written Notice of the signing of Judgment served on the Company at their principal Office, the Judgment Creditor may institute a Suit against the Company in the Court of Chancery to obtain the Benefit of his Judgment from the Property of the Company.

Appointment of Receiver and Manager, and Distribution of Receipts.

6. In any such Suit the Court of Chancery may, if it thinks fit, appoint a Receiver and Manager of the Undertaking of the Company, and all Money received by such Receiver and Manager shall, after due Provision for the Working Expenses of the Railway and other proper Outgoings in respect of the Undertaking, be distributed, under the Direction of the Court, according to the Rights and Priorities of the Persons for the Time being interested therein.

II.—Arrangements with Creditors.

Preparation and filing of Scheme of Arrangement.

7. Where a Company are unable to meet their Engagements with their Creditors the Directors may prepare a Scheme of Arrangement between the Company and their Creditors (with or without Provisions for altering any Rights of Shareholders of the Company as among themselves), and may file the same in the Court of Chancery.

Stay of Actions.

8. After the filing of the Scheme, the Court may, on the Application of the Company on Summons or Motion in a summary Way, restrain any Action against the Company, on such Terms as the Court thinks fit.

Notice in Gazette.

9. Notice of the filing of the Scheme shall be published in the Gazette.

Stay of Executions, &c.

10. After such Publication of Notice, no Execution, Attachment, or other Process against the Property of the Company shall be available, without Leave of the Court, to be obtained on Summons or Motion in a summary Way.

11. The

11. The Scheme shall be deemed to be assented to by the Creditors of the Company when it is assented to in Writing by Three Fourths in Value of the Mortgagees or Bondholders of the Company, and by Three Fourths in Value of each other Class of Creditors of the Company. Assent by Creditors.

12. The Scheme shall be deemed to be assented to by the Guaranteed or Preference Shareholders of the Company when it is assented to in Writing as follows:—If there is only One Class of Guaranteed or Preference Shareholders, then by Three Fourths in Value of that Class, and if there are more Classes of Guaranteed or Preference Shareholders than One, then by Three Fourths in Value of each such Class. Assent by Preference Shareholders.

13. The Scheme shall be deemed to be assented to by the Ordinary Shareholders of the Company when it is assented to at an Extraordinary General Meeting of the Company, and such Assent is confirmed by the Assent in Writing of a Majority in Value of the Ordinary Shareholders of the Company. Assent by Ordinary Shareholders.

14. Where the Company are Lessees of a Railway the Scheme shall be deemed to be assented to by the Leasing Company when it is assented to as follows: Assent by Leasing Company.

In Writing by Three Fourths in Value of the Mortgagees or Bondholders of the Leasing Company:

If there is only One Class of Guaranteed or Preference Shareholders of the Leasing Company, then in Writing by Three Fourths in Value of that Class, and if there are more Classes of Guaranteed or Preference Shareholders in the Leasing Company than One, then in Writing by Three Fourths in Value of each such Class:

By the Ordinary Shareholders of the Leasing Company at an Extraordinary General Meeting of that Company, such Assent being confirmed by the Assent in Writing of a Majority in Value of the Ordinary Shareholders of that Company.

15. Provided, That the Assent to the Scheme of any Class of Creditors, or Guaranteed or Preference Shareholders, or of a Leasing Company, shall not be requisite in case the Scheme does not prejudicially affect any Right or Interest of such Class of Creditors, or Guaranteed or Preference Shareholders, or of such Leasing Company. Assent of Creditors, &c. not affected, unnecessary.

16. If at any Time within Three Months after the filing of the Scheme the Directors of the Company consider the Scheme to be assented Application for Confirmation of Scheme.

assented to by the Creditors, Guaranteed and Preference Shareholders and Ordinary Shareholders of the Company, and by the Leasing Company (if any), they may apply to the Court by Petition in a summary Way for Confirmation of the Scheme.

Notice of any such Application, when intended, shall be published in the London Gazette.

Confirmation of Scheme.

17. After hearing the Directors, and any Creditors, Shareholders, or other Parties whom the Court thinks entitled to be heard on the Application, the Court, if satisfied that the Scheme has been within Three Months after the filing of it assented to as required by this Act, and that the Scheme is just and reasonable, may, if it thinks fit, confirm the Scheme.

Inrolment and Effect of Scheme.

18. The Scheme when confirmed shall be inrolled in the Court, and thenceforth the same shall be binding and effectual to all Intents, and the Provisions thereof shall have the like Effect as if they had been enacted by Parliament.

Notice of Confirmation of Scheme.

19. Notice of the Confirmation and Inrolment of the Scheme shall be published in the Gazette.

Printing and Sale of Scheme.

20. The Company shall at all Times keep at their principal Office printed Copies of the Scheme, when confirmed and inrolled, and shall sell such Copies to all Persons desiring to buy the same at a reasonable Price, not exceeding Sixpence for each Copy.

If the Company fail to comply with this Provision they shall be liable to a Penalty not exceeding Twenty Pounds, and to a further Penalty not exceeding Five Pounds for every Day during which such Failure continues after the First Penalty is incurred, which Penalties shall be recovered and applied as Penalties under The Railways Clauses Consolidation Act, 1845, are recoverable and applicable.

III.—Winding up.

Application to Company of Provisions for winding up by Court.

21. In either of the following Cases—

(1.) If a Receiver and Manager of the Undertaking of a Company is continued for Twelve Months:

(2.) If, on a Scheme being filed, Application for Confirmation thereof is not made to the Court within Three Months after the filing thereof, or the same is not confirmed within Four Months after the filing thereof—

the Company shall be deemed to be unable to pay their Debts, within the Meaning of Section Seventy-nine of The Compnnies Act, 1862, and may accordingly be wound up by the Court under that Act, and

and all the Provisions of that Act relative to winding up by the Court shall apply to the Company.

Power of Sale of Railway.

22. In any such Winding-up the Powers of the Official Liquidator, under Section Ninety-five of The Companies Act, 1862, shall extend to the Sale of the Railway, and of all Real and Personal Property of the Company held for the Purposes of their Undertaking.

Advertisement, &c. of Sale.

23. Notice of every such Sale, when intended, shall be published in the Gazette, and written Notice thereof shall be delivered (under the Direction of the Court) to every Railway Company whose Railway forms an actual Junction with that of the Company, or who have any joint Station with the Company, or who have any Running Power or other special Power over or in relation to the Railway of the Company.

Duties, Liabilities, &c. of Purchasers.

24. The Purchasers of the Railway of the Company shall hold the Railway subject to all the Obligations and Liabilities attaching to the Company in relation to the Maintenance, Repair, Management, Regulation, Working, and Use of the Railway or any Part thereof, but freed and absolutely discharged from all Debts and pecuniary Liabilities of the Company, and from all Obligations and Liabilities whatever of the Company, whether affecting directly the Railway or Property of the Company, or affecting the Company in respect thereof, except the Obligations and Liabilities herein-before specified.

Power of Sale in ordinary Winding up.

25. Where a Company, being registered under The Companies Act, 1862, is wound up under that Act voluntarily or subject to the Supervision of the Court, the Liquidator shall, by virtue of this Act, have the like Powers of Sale of the Railway Property and Things in Action of the Company as is conferred on the Official Liquidator (in case of the Winding-up of a Company by the Court) by Section Ninety-five of The Companies Act, 1862, as applied and extended by this Act; and the Provisions of this Act relative to the Conditions and Consequences of a Sale by the Official Liquidator shall extend and apply to a Sale by a Liquidator in a voluntary Winding-up or a Winding-up subject to the Supervision of the Court.

Application of Enactments relating to Railways.

26. All Enactments in force at the passing of this Act relating to Railways and to Railway Companies shall extend and apply to the Railway when sold, and to the Purchasers thereof, and shall in all respects operate in relation thereto respectively as if the

Purchasers had been a Company constituted and authorized to purchase the Railway by Special Act of Parliament, subject nevertheless and according to the following Variations and Provisions:—

(1.) The Terms "Company" and "Railway Company" used in any of those Enactments shall include the Purchasers:

(2.) Such of those Enactments as refer to the Directors or any Director, or the Surveyor, Chief or other Clerk, Accountant, Treasurer, or other Officer of a Company, shall extend and apply to every or any One of the Purchasers (if not a Company):

(3.) Such of those Enactments as refer to a Writing under the Common Seal of the Company shall be read and have Effect as referring to any Writing under the Hand and Seal of any One of the Purchasers (if not a Company):

(4.) Such of those Enactments as impose any Penalty or Forfeiture, or any pecuniary Liability, or any Obligation on a Company, or give any Right, Remedy, or Process against a Company, shall be read and have Effect (as far as the Nature and Circumstances of the Case admit) as imposing a like Penalty, Forfeiture, Liability, or Obligation on or as giving a like Right, Remedy, or Process against every or any One of the Purchasers, but not so as to authorize the Recovery of any Penalty or Forfeiture from or the Enforcement of any pecuniary Liability against more than One of the Purchasers in respect of the same Offence, Matter, or Thing.

Notice to Board of Trade of voluntary Winding-up.

27. Notice of any Special Resolution or Extraordinary Resolution passed for winding up a Company voluntarily shall be given to the Board of Trade.

IV.—Proceedings in Court.

Power for Enlargement of Time.

28. In any Proceedings under this Act in the Court of Chancery the Court may, if it thinks fit, from Time to Time enlarge the Time allowed by this Act for the taking of any Proceeding or the doing of any Thing.

Notice to Board of Trade.

29. Notice of the Institution by a Judgment Creditor of a Company of a Suit under this Act, and of the filing of a Scheme under this Act, and of an Application to the Court for the winding up of a Company by the Court, and of a Petition for a Winding-up subject to the Supervision of the Court, shall be given to the Board of Trade; and the Board of Trade may, if they think fit, from Time to

to Time intervene, by Her Majesty's Attorney General or otherwise, in the Proceedings, if it appears to the Board of Trade that the public Interests require such Intervention.

General Orders of Court of Chancery.

30. The Lord Chancellor of Great Britain, with the Advice and Assistance of the Lords Justices of the Court of Appeal in Chancery, the Master of the Rolls, and the Vice-Chancellors or any Two of those Judges, and the Lord Chancellor of Ireland, with the Advice and Assistance of the Lord Justice of Appeal in Chancery and the Master of the Rolls, or One of them, may from Time to Time make General Orders for the Regulation of the Practice of the Court of Chancery under this Act.

V.—Loan Capital.

Interest on Debenture Stock.

31. Part III. of The Companies Clauses Act, 1863, (relating to Debenture Stock,) shall, with respect to any Special Act incorporating that Part, whether passed or to be passed, be read and have Effect as if the following Words, that is to say,—"not exceeding the "Rate prescribed in the Special Act, and if no Rate is prescribed, "then not exceeding the Rate of Four Pounds per Centum per "Annum," had not been inserted in Section Twenty-two of that Act.

Advances to meet Mortgages falling due.

32. Where a Company shortly before the falling due of Principal Money secured by Mortgage or Bond of the Company, obtain (from Bankers or otherwise) an Advance of Money exclusively for the Purpose of paying off such Principal Money, and on the falling due thereof, apply the Money so advanced exclusively for that Purpose, then, notwithstanding anything in The Railway Companies Securities Act, 1866, or in any other Act (General or Special) affecting the Company, the Amount so from Time to Time advanced and applied shall not be deemed Money borrowed in excess of the Amount which the Company are from Time to Time authorized to borrow on Mortgage or Bond or Debenture Stock.

Power to Trustees to lend on Debenture Stock.

33. Where, under a Settlement, Will, or other Instrument executed or made after the Thirty-first Day of October One thousand eight hundred and sixty-seven Trustees are authorized to invest Trust Money on the Security of Mortgages or Bonds of a Company, then, unless a contrary Intention appears, the Settlement, Will, or Instrument shall be deemed to authorize the Trustees to invest Trust Money on the Security of Debenture Stock of a Company.

VI.—Abandonment.

Extension of Abandonment Act, 13 & 14 Vict. c. 93.

34. The Abandonment of Railways Act, 1850, shall extend and apply to all Companies authorized to make Railways by Act of Parliament

Parliament passed before the present Session, subject and according to the following Provisions:

(1.) Section Thirty-one of that Act shall be read and have Effect as if The Companies Act, 1862, were refered to therein instead of The Joint Stock Companies Winding-up Act, 1848, or any Act amending the same:

(2.) Section Thirty-five of the said Act of 1850 shall be read and have Effect as if the Date of the Day of May One thousand eight hundred and sixty-seven were therein substituted for the Date of the Eleventh Day of February One thousand eight hundred and fifty.

Release of Deposit.

35. Where a Warrant for Abandonment is granted under The Abandonment of Railways Act, 1850, as extended by this Act, any Money deposited as Security for the Completion of the Railway, or the Stocks, Funds, or Securities in which the same is invested, or any Bank Annuities, Stocks, Funds, Securities, or Exchequer Bills deposited as such Security, or in case the Abandonment authorized is of Part only of a Railway, then such proportionate Part as the Board of Trade thinks fit of such Money, Stocks, Funds, Securities, Annuities, or Exchequer Bills, shall be paid, transferred, or delivered out to the Persons who would be entitled to receive the same if the Railway had been completed and opened for public Traffic; and the Court of Chancery shall, on the Application of those Persons, order Payment, Transfer, or Delivery out thereof accordingly, on a Certificate of the Board of Trade certifying that such a Warrant for Abandonment has been granted.

Protection for Board of Trade in case of Error.

36. The issuing in any Case of any Warrant or Certificate relating to Deposit, or to any Money, Stocks, Funds, Securities, Bank Annuities, or Exchequer Bills deposited, or any Error in any such Warrant or Certificate, or in relation thereto, shall not make the Board of Trade, or the Person signing the Warrant or Certificate on their Behalf, in any Manner liable for or in respect of the Money, Stocks, Funds, Securities, Bank Annuities, or Exchequer Bills deposited, or the Interest of or Dividends on the same or any Part thereof respectively.

VII.—Purchase of Lands.

Amendment (as to Railway Companies) of Section 85 of Lands Clauses Act.

37. Where after the passing of this Act a Company exercise the Powers conferred on the Promoters of the Undertaking by Section Eighty-five of The Lands Clauses Consolidation Act, 1845, the Surveyor to be appointed as in that Section provided shall

shall be appointed by the Board of Trade instead of by Two Justices, and all the Provisions of that Act relative to a Surveyor appointed by Two Justices shall apply to a Surveyor so appointed by the Board of Trade.

Railway Companies.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

To amend the Law relating to Railway Companies.

(Prepared and brought in by Sir Stafford Northcote, Mr. Cave, and Mr. Attorney-General.)

Ordered, by The House of Commons, *to be Printed*, 21 *May* 1867.

[Bill 164.]

Under 2 oz.

LORDS AMENDMENTS

TO THE

RAILWAY COMPANIES BILL.

Note.—*The Page and Line refer to the Bill* (159.) *as first printed by the Lords.*

Page 1.

Line 7. At the Commencement of the Clause insert ("Except as in this Act expressly otherwise provided")

Line 17. After ("Corporation") insert ("The Term "Court of Chancery" or "Court" means the Court of Chancery in England or Ireland, as the Case requires")

Leave out Clauses 4, 5, and 6, and insert Clauses A. and B.

Protection of Rolling Stock and Plant.

Restriction on Execution against Personal Property of Company.

CLAUSE A. The Engines, Tenders, Carriages, Trucks, Machinery, Tools, Fittings, Materials, and Effects constituting the Rolling Stock and Plant used or provided by a Company for the Purposes of the Traffic on their Railway, or of their Stations or Workshops, shall not, after their Railway or any Part thereof is open for Public Traffic, be liable to be taken in Execution at Law or in Equity at any Time after the passing of this Act, and before the First Day of September One thousand eight hundred and sixty-eight, where the Judgment on which Execution issues is recovered in an Action on a Contract entered into after the passing of this Act, or in an Action not on a Contract commenced after the passing of this Act.

Determination of Questions respecting Executions.

CLAUSE B. If in any Case where Property of a Company has been taken in Execution a Question arises whether or not it is liable to be so taken notwithstanding this Act, the same may be heard and determined on an Application by either Party by Summons in a summary Way to the Court out of which the Execution issued, or if the Court is One of the Superior Courts of Law, then to a Judge of any One of those Courts; and such Determination shall be final and binding.

Page 2.

Line 27. Leave out ("II."), and leave out ("with Creditors")

Line 32. Leave out ("or") and insert ("and")

Line 33. After ("additional") insert ("Share and Loan"), and after ("Capital") insert ("or either of them")

Line 34. After ("Chancery") insert ("in England or in Ireland, according to the Situation of the principal Office of the Company, with a Declaration in Writing under the Common Seal of the Company to the Effect that the Company are unable to meet their Engagements with their Creditors, and with an Affidavit of the Truth of such Declaration made by the Chairman of the Board of Directors and by the other Directors, or the major Part in Number of them, to the best of their respective Judgment and Belief")

Page 3.

Line 6. Leave out ("Creditors of the Company") and insert ("Holders of Mortgages or Bonds issued under the Authority of the Company's Special Acts")

Line 7. Leave out from the First ("the") to the End of the Clause and insert ("Holders of such Mortgages or Bonds, and shall be deemed to be assented to by the Holders of Debenture Stock of the Company when it is assented to in Writing by Three Fourths in Value of the Holders of such Stock"), and also insert Clause V.

Clause V. Where any Rentcharge or other Payment is charged on Receipts of or is payable by the Company in consideration of the Purchase of the Undertaking of another Company, the Scheme shall be deemed to be assented to by the Holders of such Rentcharge or other Payment when it is assented to in Writing by Three Fourths in Value of such Holders.

Line 19. Leave out from ("Company") to the End of the Clause and insert ("specially called for that Purpose")

Lines 25 and 26. Leave out ("Mortgagees or Bondholders") and insert ("Holders of Mortgages, Bonds, and Debenture Stock")

Line 34. Leave out from ("Company") to the End of the Clause and insert ("specially called for that Purpose")

Line 38. Leave out ("Creditors or") and insert ("Holders of Mortgages, Bonds, or Debenture Stock, or of any Class of Holders of a Rentcharge or other Payment as aforesaid, or of any Class of")

Line 40. Leave out from ("Class") to ("Company") in Line 42 and insert ("or")

Page

Page 4.

Line 2. After the First ("Scheme") insert ("or within such extended Time as the Court from Time to Time thinks fit to allow")

Line 3. Leave out from ("to") to ("they") in Line 5 and insert ("as by this Act required")

Line 12. After ("it") insert ("or such extended Time (if any) as the Court has allowed")

Line 13. Leave out ("the Scheme is just and reasonable") and insert ("no sufficient Objection to the Scheme has been established")

Lines 13 and 14. Leave out ("if it thinks fit")

Line 17. After ("shall") insert ("against and in favour of the Company, and all Parties assenting thereto or bound thereby")

Leave out Clauses 21. to 29. inclusive, and insert Clause W.

Provision for Case where Railway or Part in Scotland.

CLAUSE W. Where a Company whose principal Office is situate in England have a Railway or Part of a Railway in Scotland the following Provisions shall have Effect:

(1.) Any Scheme under this Act shall be filed in the Court of Chancery in England:

(2.) Where, after the filing of the Scheme, any Person who is not amenable to the Jurisdiction of the Court of Chancery in England brings any Action against the Company in Scotland, the Court of Session may, on the Application of the Company by Petition in a summary Way, sist, stay, or interdict the same on such Terms as the Court thinks fit:

(3.) Notice of the filing of the Scheme shall be published in the Edinburgh Gazette, and after such Publication no Diligence against the Property of the Company in Scotland shall be available for any Person who is not amenable to the Jurisdiction of the Court of Chancery in England, without the Leave of the Court of Session, to be obtained on Petition in a summary Way:

In this Section the Term "Court of Session" means either Division of the Court of Session, or in Time of Vacation the Lord Ordinary officiating on the Bills.

Page 7.

Line 11. Leave out from ("Act") to the End of the Clause.

Line 14. Leave out V. and after ("Capital") insert Clause X.

Priority of Mortgages.

CLAUSE X. All Money borrowed or to be borrowed by a Company on Mortgage or Bond or Debenture Stock, under the Provisions of any Act authorizing the borrowing thereof, shall have Priority

against the Company, and the Property from Time to Time of the Company, over all other Claims on account of any Debts incurred or Engagements entered into by them after the passing of this Act: Provided always, that this Priority shall not affect any Claim against the Company in respect of any Rentcharge granted or to be granted by them, in pursuance of "The Lands Clauses Consolidation Act, 1845," or "The Lands Clauses Consolidation Acts Amendment Act, 1860," or in respect of any Rent or Sum reserved by or payable under any Lease granted or made to the Company by any Person, in pursuance of any Act relating to the Company, which is entitled to rank in priority to or pari passu with the Interest or Dividends on the Mortgages, Bonds, and Debenture Stock; nor shall anything herein-before contained affect any Claim for Land taken, used, or occupied by the Company for the Purposes of the Railway, or injuriously affected by the Construction thereof, or by the Exercise of any Powers conferred on the Company.

Line 18. After ("Act") insert ("of a Company")

Line 23. After ("Act") insert ("and any Special Act of a Company passed before the passing of this Act, prescribing any Rate, shall be read and have Effect as if no Rate had been prescribed therein")

Leave out Clauses 32. and 33. and insert Clauses C., D., E., F., Y., and Z.

Clause C. Provided, That any Debenture Stock, the Creation whereof has been authorized by a Company, but which has not been issued, before the passing of this Act, shall not be issued on any Terms other than those whereon it might have been issued if this Act had not been passed, unless and until the Issue thereof on Terms other than as aforesaid is after the passing of this Act authorized by the Company in manner provided in Section Twenty-two of "The Companies Clauses Act, 1863."

Clause D. Money borrowed by a Company for the Purpose of paying off, and duly applied in paying off, Bonds or Mortgages of the Company, given or made under the statutory Powers of the Company, shall, so far as the same is so applied, be deemed Money borrowed within and not in excess of such statutory Powers.

Share Capital.

Clause E. Section Twenty-one of The Companies Clauses Act, 1863, shall, with respect to any Special Act of a Company incorporating Part II. of that Act, whether passed or to be passed, be read and have Effect as if the following Words, that is to say, "but so that not less than the full nominal Amount of any Share

"or

" or Portion of Stock be payable or paid in respect thereof," had not been inserted in that Section.

Power to issue Residue of original or other Capital at Discount.

CLAUSE F. Any Shares forming Part of the Capital (whether original or additional) authorized to be raised by any Special Act of a Company passed before the present Session which have not been disposed of may be disposed of in manner provided by Part II. of The Companies Clauses Act, 1863, as amended by this Act, and that Part, as so amended, shall be deemed incorporated with such Special Act accordingly.

Restriction on issuing at Discount of Shares or Stock already authorized.

CLAUSE Y. Provided, That any Shares the Creation whereof has been authorized by a Company, but which have not been issued, before the passing of this Act, shall not be issued on any Terms other than those whereon the same might have been issued if this Act had not been passed, unless and until the Issue thereof on Terms other than as aforesaid is after the passing of this Act authorized by the Company, in manner provided by Part II. of The Companies Clauses Act, 1863.

Audit of Railway Accounts.

CLAUSE Z. No Dividend shall be declared by a Company until the Auditors have certified that the Half-yearly Accounts proposed to be issued contain a full and true Statement of the financial Condition of the Company, and that the Dividend proposed to be declared on any Shares is bonâ fide due thereon, after charging the Revenue of the Half Year with all Expenses which ought to be paid thereout, in the Judgment of the Auditors; but if the Directors differ from the Judgment of the Auditors with respect to the Payment of any such Expenses out of the Revenue of the Half Year, such Difference shall, if the Directors desire it, be stated in the Report to the Shareholders, and the Company in General Meeting may decide thereon, subject to all the Provisions of the Law then existing, and such Decision shall for the Purposes of the Dividend be final and binding; but if no such Difference is stated, or if no Decision is given on any such Difference, the Judgment of the Auditors shall be final and binding; and the Auditors may examine the Books of the Company at all reasonable Times, and may call for such further Accounts, and such Vouchers, Papers, and Information, as they think fit, and the Directors and Officers of the Company shall produce and give the same as far as they can, and the Auditors may refuse to certify as aforesaid until they have received the same; and the Auditors may at any Time add to their Certificate, or issue to the Shareholders independently, at the Cost of the Company, any Statement respecting the financial Condition and Prospects of the Company which they think material for the Information of the Shareholders.

Page 8.

Line 1. Leave out ("VI.")

Line 11. Fill up the Blank with ("Twenty-first")

Line 14. After ("Fifty") insert

("(3.) Nothing in the said Act of 1850 or this Act shall be deemed to make it obligatory on the Board of Trade to authorize the Abandonment of a Railway or Part of a Railway on any Application in that Behalf, and the Board of Trade shall not authorize such Abandonment in any Case, unless it appears to them just and expedient so to do, and the Board of Trade may, if they think fit, refuse in any Case to authorize such Abandonment, except on Condition of the Money deposited as Security for the Completion of the Railway, or the Stocks, Funds, or Securities on which the same is invested, or the Money secured by any Bond conditioned for Completion of the Railway, or for Payment of Money in default thereof, being applied as Part of the Assets of the Company")

and also insert Clauses G. and H.

Clause G. Where it is shown to the Satisfaction of the Board of Trade, with respect to a Company authorized to make a Railway by Act of Parliament passed before the present Session, that no Part, or a Part less than Three Fifths of the Share Capital of the Company, has been subscribed, the Board of Trade may, if they think fit, proceed under the said Act of 1850, as extended by this Act, on the Application of any Person named in the Special Act incorporating the Company as a Member or Director thereof, or of any Person named in the Warrant or Order directing Payment of any Deposit under any Standing Order of either House of Parliament, or of any Person who has lent the Amount of such Deposit, or any Part thereof, or has entered into any Bond conditioned for the Completion of the Railway, or for Payment of any Money in default thereof, and without the preliminary Consent of a Meeting of Shareholders of the Company.

Clause H. The Authority given under this Act for the Abandonment by a Company of any Railway or Part of a Railway shall not affect the Right of the Owner or Occupier of any Lands that have been temporarily occupied by the Company to receive Compensation, in accordance with the Provisions of The Railways Clauses Consolidation Act, 1845, for such temporary Occupation, or for any Loss, Damage, or Injury that has been sustained by him by reason thereof, or of the Exercise as regards such Lands of any of the Company's Powers.

Page 9.

Line 3. Leave out ("VII")

Leave out Clause 37. and insert Clauses I. and K.

CLAUSE I. Where after the passing of this Act a Company exercise the Powers conferred on the Promoters of the Undertaking by Section Eighty-five of The Lands Clauses Consolidation Act, 1845, the following Provisions shall have Effect:

(1.) The Surveyor to be appointed as in that Section provided shall be appointed by the Board of Trade instead of by Two Justices, and all the Provisions of that Act relative to a Surveyor appointed by Two Justices shall apply to a Surveyor so appointed by the Board of Trade:

(2.) The Company shall give not less than Seven Days Notice of their Intention to apply to the Board of Trade for the Appointment of a Surveyor to any Party interested in or entitled to sell and convey the Lands in question, and not consenting to the Entry of the Company:

(3.) The Valuation to be made by the Surveyor so appointed shall include the Amount of Compensation for all Damage and Injury to be sustained by reason of the Exercise of the Powers conferred by the said Section, as far as such Damage and Injury are capable of Estimation:

(4.) The Sureties to the Bond to be given by the Company under that Section shall, in case the Parties differ, instead of being approved of by Two Justices, be approved of by the Board of Trade, after hearing the Parties.

CLAUSE K. Where, in England, under The Lands Clauses Consolidation Act, 1845, or any Act incorporating the same, a Question of disputed Compensation relating to Lands required to be purchased or taken by a Company is determined by Arbitration, the Costs of and incidental to the Arbitration and Award shall, if either Party so requires, be settled, as between the Parties, by One of the Masters of the Court of Queen's Bench.

LORDS AMENDMENTS

TO THE

RAILWAY COMPANIES BILL.

Ordered, by The House of Commons, *to be Printed*,
6 *August* 1867.

[Bill 305.]

Under 1 *oz.*

Railway Companies Arrangements Bill.

ARRANGEMENT OF CLAUSES.

CLAUSES.

1. Short Title.
2. Interpretation.
3. Cases in which Act applies.
4. Institution of Proceedings by Memorial to Board of Trade.
5. Copy of Memorial to Company.
6. Board of Trade to receive Objections, &c.
7. Board of Trade to direct Investigation.
8. Appointment of Special Inspectors.
9. Gazette Notice of Appointment of Inspectors.
10. Provision for Vacancies.
11. Investigation by Special Inspectors.
12. Directions of Board of Trade.
13. Power to summon Witnesses, &c.
14. Penalty for Disobedience, &c.
15. Penalty for false Evidence.
16. Protection of Inspectors.
17. Inspectors to receive Suggestions, &c.
18. Power to employ Accountants, &c.
19. Submission of Questions to Court by Inspectors.
20. Assent of Three Fifths to be binding.
21. Assent of One of several.
22. Assent of Co-Trustees.
23. Assents of Persons beneficially interested.
24. Mode of Application to Court.
25. Discontinuance of Investigation.
26. Reports of Inspectors from Time to Time.
27. General Report of Inspectors and Scheme to be framed.
28. Confirmation of Scheme by Order in Council in certain Cases.
29. Confirmation by Act of Parliament in other Cases.
30. Reference of Bill if opposed.
31. Restriction on Seizure of Goods, &c. under Execution.
32. Saving for Powers of Company, &c.
33. Expenses to be borne by Company.
34. Annual Report of Board of Trade.

A

B I L L

TO

Make better Provision for the Arrangement of the Affairs of Railway Companies unable to meet their Engagements.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Short Title.

1. This Act may be cited as The Railway Companies Arrangements Act, 1867.

Interpretation.

2. In this Act—

The Term "Railway" includes a Tramway authorized by Act of Parliament, but not any other Tramway :

The Term "Railway Company" includes every Company constituted or empowered by Act of Parliament or by Certificate of the Board of Trade for the Purpose of constructing or of working or conveying Traffic on a Railway, either alone or in conjunction with other Purposes :

The Term "Debenture" means a Mortgage or Bond given by a Railway Company as Security for Money borrowed; and the Provisions of this Act relative to Debentures and to Interest thereon extend to Debenture Stock, Mortgage Preference Stock, or Funded Debt, and any other Stock or any Shares representing Loan Capital of a Railway Company, by whatever Name called, and to Interest or Dividend thereon:

The Term "Share" includes Stock:

The Term "Trustee" includes Executor and Administrator:

The Term "the Court" means the Court of Chancery in England or Ireland, and the Court of Session in Scotland.

Cases in which Act applies.

3. This Act shall take effect and apply in each of the Cases following:

I.—Where a Railway Company fail for *One Month* to pay any Principal or Interest due and payable in respect of any Debenture, unless such Payment has been postponed with the Consent of the Debenture Holder:

II.—Where under any Writ or Process of Execution or legal Diligence issued against a Railway Company Goods and Chattels or Effects of the Company are seized:

III.—Where a Railway Company discontinue for *Two Months* or longer the Use for Purposes of public Traffic of their Undertaking.

Institution of Proceedings by Memorial to Board of Trade.

4. In any Case in which this Act applies, Proceedings may be instituted under this Act in relation to the Company on the Presentation to the Board of Trade of a Memorial in that Behalf by *One Fifth* in Value of the Debenture Holders of the Company, or by *One Fifth* in Value of any Class of the Preference Shareholders of the Company, or by *One Fifth* in Value of the other Shareholders of the Company (in this Act referred to as the Memorialists).

Copy of Memorial to Company.

5. The Memorialists shall, within *Two Days* after Delivery of the Memorial to the Board of Trade, deliver a Copy thereof at the principal Office of the Company.

Board of Trade to receive Objections, &c.

6. During *Fourteen Days* after the Presentation of the Memorial the Board of Trade shall receive any Objections or Representations respecting any of the Statements or Objects of the Memorial, made to them in Writing by the Directors of the Company or any of them, or by any Debenture Holder Creditor or Shareholder of the Company.

7. If,

Board of Trade to direct Investigation.

7. If, on Consideration of the Memorial and of any such Objections or Representations, the Board of Trade think fit to proceed in the Case under this Act, they shall direct that an Investigation be held under this Act into the Transactions and Condition of the Company.

Appointment of Special Inspectors.

8. The Board of Trade shall appoint competent and impartial Persons, not less than *Two* or more than *Three*, to conduct the Investigation, to be called the Special Inspectors of the Company.

Gazette Notice of Appointment of Inspectors.

9. Notice of the Appointment of the Special Inspectors shall be published in the London Gazette; and where the Railway, or any Part thereof, is situate in Scotland Notice thereof shall also be published in the Edinburgh Gazette; and where the Railway is situate in Ireland Notice thereof shall also be published in the Dublin Gazette.

Provision for Vacancies.

10. In case of a Vacancy happening among the Special Inspectors of the Company by Death, Resignation, or otherwise, the Board of Trade may appoint a competent and impartial Person to fill the Vacancy.

Investigation by Special Inspectors.

11. The Special Inspectors shall investigate the Transactions and Condition of the Company, and for that Purpose shall meet and sit at such Times and Places and according to such Arrangements as seem to them most convenient.

Directions of Board of Trade.

12. Before or in the course of the Investigation the Board of Trade may give to the Special Inspectors such Directions as they think fit respecting the Conduct of the Investigation, and the Special Inspectors shall proceed accordingly.

Power to summon Witnesses, &c.

13. For the Purposes of the Investigation the Special Inspectors may summon any Person to give Evidence or to bring and produce Documents before them, and may administer Oaths and take Affidavits and Declarations.

Penalty for Disobedience, &c.

14. If any Person wilfully fails to attend in obedience to a Summons of the Special Inspectors (the reasonable Expenses of his Attendance having been paid or tendered to him), or refuses to answer, or knowingly and wilfully answers untruly, any lawful and relevant Question put to him by or before the Special Inspectors, or, without lawful Excuse (Proof whereof shall lie on him), refuses to bring or produce before them any Document which he is by any such Summons required to bring or produce, every such Person shall for every such Offence be liable on summary Conviction to a Penalty not exceeding *Fifty Pounds*.

Penalty for false Evidence.

15. If any Person, on Examination on Oath or Affirmation before the Special Inspectors, or in any Affidavit or Declaration used before them, wilfully gives false Evidence, he shall be deemed guilty of Perjury.

Protection of Inspectors.

16. The Special Inspectors shall have the like Protection and Privileges in respect of any Act done or omitted to be done in execution or intended execution of their Duties as Justices of the Peace acting in execution of their Office have by Law.

Inspectors to receive Suggestions, &c.

17. The Special Inspectors shall take and receive any Evidence and Information offered, and hear and inquire into any Representations respecting the Transactions or Condition of the Company, and any Suggestion for the Arrangement of the Company's Affairs made by any Debenture Holder Creditor or Shareholder of the Company.

Power to employ Accountants, &c.

18. The Special Inspectors may employ such Accountants and obtain such legal and other Advice and Assistance as they think fit.

Submission of Questions to Court by Inspectors.

19. The Special Inspectors may from Time to Time, if they think fit, apply to the Court for the Opinion of the Court on any Question arising in the Course of the Investigation relating to the Rights or Priorities of Debenture Holders Creditors or Shareholders of the Company, or otherwise relating to the Transactions and Condition of the Company.

Assent of Three Fifths to be binding.

20. If *Three Fifths* in Value of the Debenture Holders or of any Class thereof, or of any Class of Shareholders of the Company, assent to any Proposition made or approved by the Special Inspectors, all the Debenture Holders or that Class thereof, or that Class of Shareholders (as the Case may be), shall for the Purposes of this Act be deemed to have assented thereto.

Assent of One of several.

21. Where a Debenture or Share of the Company is held in the Names of several Persons, the Assent to any such Proposition of any One of those Persons shall, as between the Company and all Persons interested in such Debenture or Share, be conclusive for the Purposes of this Act, unless previous Notice in Writing is given to the Company of the Dissent of any One or more of the several Persons holding the same.

Assent of Trustees.

22. Where a Holder of a Debenture or Share of the Company is a Trustee thereof, his Assent to any such Proposition shall be binding on his Co-Trustees (if any), provided his Co-Trustees consent in

in Writing to his giving the same, or he obtains the Approval of the Court.

Assents of Persons beneficially interested.

23. Such Assent of a Trustee shall also be binding on all Persons being or to become beneficially interested under the Trusts (the assenting Trustee and his Co-trustees (if any) being by virtue of this Act indemnified in respect of such Assent), provided the assenting Trustee obtains the Consent of all Persons beneficially interested under the Trusts who are in existence and competent to consent, or, where any Person being or to become beneficially interested under the Trusts refuses to consent or is not competent to consent or is not in existence, the assenting Trustee obtains the Approval of the Court.

Mode of Application to Court.

24. Every Application to the Court under this Act by the Special Inspector or by a Trustee shall be made in a summary way, and shall be heard and disposed of on the Attendance of such Parties, or Persons chosen as Representatives of such Parties, on such written or other Statements, and on such Evidence, as the Court, by General Orders or otherwise, from Time to Time directs; and the Costs of any such Application shall be in the Discretion of the Court; and the Opinion or Decision of the Court on any such Application shall not be subject to Review or Appeal.

Discontinuance of Investigation.

25. The Board of Trade may at any Time, if they think fit, direct the Discontinuance of the Investigation.

Reports of Inspectors from Time to Time.

26. The Special Inspectors may from Time to Time in the Course of the Investigation make such Reports to the Board of Trade respecting the Investigation as they think fit.

General Report of Inspectors and Scheme to be framed.

27. On the Conclusion of the Investigation the Special Inspectors shall make a Report to the Board of Trade respecting the Transactions and Condition of the Company, and generally respecting the Results of the Investigation, and shall, if they think fit, frame and report to the Board of Trade a Scheme for such an Arrangement of the Company's Affairs as in the Circumstances appears to the Special Inspectors most equitable and expedient in relation to all Classes of Persons interested and to the Public, including, if they think fit, the Winding-up of the Affairs, the Sale or Transfer of the Property and Rights, and the eventual Dissolution, of the Company, with Provisions for the Distribution of the Consideration Money received on such Sale or Transfer by or under the Direction of the Court, according to the Rights and Priorities of the Debenture Holders Creditors and Shareholders of the Company, and with any other necessary or proper consequential Provisions.

Confirmation of Scheme by Order in Council in certain Cases.

28. If the Scheme does not include such Winding-up, Sale or Transfer, and Dissolution, and if the Special Inspectors report to the Board of Trade that the Scheme has been assented to by all the several Classes of Debenture Holders and Shareholders of the Company, and in case there is any Lessor of any Part of the Company's Undertaking that the Scheme has been communicated to such Lessor, and that *Fourteen* Days having elapsed since such Communication the Scheme has not been objected to by such Lessor, and that Provision has been made for Payment or Satisfaction of the Debts of the Company, then the Scheme shall be submitted to Her Majesty in Council for Confirmation, and when confirmed by Order in Council shall have the like Force and Effect as if it were enacted by Parliament.

Every such Order in Council shall be laid before both Houses of Parliament, and Notice of the making thereof shall be published in the London Gazette, and where the Railway or any Part thereof is situate in Scotland Notice thereof shall also be published in the Edinburgh Gazette, and where the Railway is situate in Ireland Notice thereof shall also be published in the Dublin Gazette.

Confirmation by Act of Parliament in other Cases.

29. In either of the following Cases,—

(1.) If the Scheme includes the Winding-up of the Affairs, the Sale or Transfer of the Property and Rights, and the eventual Dissolution, of the Company:

(2.) If the Scheme is not so assented to by Debenture Holders and Shareholders, or is objected to by any such Lessor, as aforesaid;—

the Scheme shall have no Operation unless and until it is confirmed by Act of Parliament, with such Modifications, if any, as to Parliament seem fit.

Reference of Bill if opposed.

30. If in the Progress through Parliament of the Bill confirming the Scheme a Petition against it is presented, and if it has been read a Second Time in each House before being committed in either House, it may be committed to a Body representing both Houses, constituted and acting as Standing Orders of the Houses respectively from Time to Time direct, and the Petitioner may appear and oppose as in case of a Private Bill.

Restriction on Seizure of Goods, &c. under Execution.

31. From the Publication in the London Gazette of the Notice of Appointment of the Special Inspectors until the Discontinuance of the Investigation by Direction of the Board of Trade, or the making of an Order in Council, or passing of an Act confirming the Scheme, or the End of the next Session of Parliament next after such Publication, whichever first happens, it shall not be lawful for any

any Person to seize the Goods and Chattels or Effects of the Company, or any Part thereof, under any Writ or Process of Execution or Legal Diligence issued against the Company, without the Leave of the Special Inspectors in Writing under their Hands.

Saving for Powers of Company, &c.

32. Except as in this Act expressly provided, notwithstanding the Institution of Proceedings under this Act in relation to a Company, the Powers, Rights, and Duties of the Company, and of their Directors, Officers, and Servants, and the Rights and Remedies of Debenture Holders Creditors, Shareholders, and others, in relation to the Company, shall be and remain as if this Act had not been passed.

Expenses to be borne by Company.

33. All Expenses incurred by the Board of Trade in or about the Execution of this Act in relation to a Company, including the Remuneration of the Special Inspectors, and all Expenses incurred by the Special Inspectors in or about the Investigation, when allowed and paid by the Board of Trade, shall be paid by the Company to the Board of Trade; and the Amount thereof as certified by the Board of Trade shall be a Debt due from the Company to the Crown, and shall be recoverable accordingly with Costs.

Annual Report of Board of Trade.

34. There shall be annually laid before both Houses of Parliament a Report of the Board of Trade respecting the Applications to and Proceedings of the Board of Trade under this Act during each Year..

Railway Companies Arrangements.

A

B I L L

To make better Provision for the Arrangement of the Affairs of Railway Companies unable to meet their Engagements.

(*Prepared and brought in by Sir Stafford Northcote, Mr. Cave, and Mr. Attorney General.*)

Ordered, by The House of Commons, *to be Printed*, 7 *February* 1867.

[Bill 4.]

Under 2 *oz.*

A

BILL

TO

Authorize the Extension of the Period for Repayment of Advances made under The Railway Companies (Ireland) Temporary Advances Act, 1866.

WHEREAS it is expedient that the Time for Repayment of Advances made by the Public Works Loan Commissioners under The Railway Companies (Ireland) Temporary Advances Act, 1866, should be extended : Preamble. 29 & 30 Vict. c. 95.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

1. This Act may be cited as The Railway Companies (Ireland) Temporary Advances Act, 1867. Short Title.

2. On the Application of any Railway Company to whom any Advances has been or shall be made under the Provisions of The Railway Companies (Ireland) Temporary Advances Act, 1866, and with the Approbation of the Commissioners of Her Majesty's Treasury, and subject to such Terms and Conditions (if any), as to Public Works Loan Commissioners may consent that Time for Repayment

of Advances may be extended.

Payment of Interest or otherwise, as the last-mentioned Commissioners may think proper to impose, it shall be lawful for the Public Works Loan Commissioners, by any Writing under the Hand of their Secretary for the Time being, to consent that the Time for Repayment of all or any Part of the Principal Money remaining due in respect of any such Advance shall be extended to any Day not later than *Twelve Calendar Months* from the Day when the same Advance shall become due by the Terms of the Debenture or other Security given or to be given for securing the same, and after any such Consent shall have been given, and for all the Purposes of The Railway Companies (Ireland) Temporary Advances Act, 1866, the Principal Money secured by any Debenture or other Security given or to be given under that Act shall be deemed to have become due only on the Day to which the Time for Repayment of such Principal Money shall be extended by any Consent to be given as provided by this Act, and all Powers and Provisions for recovering and compelling Payment of such Principal Money shall be read and have Effect accordingly.

Railway Companies (Ireland) Advances.

A

BILL

To authorize the Extension of the Period for Repayment of Advances made under The Railway Companies (Ireland) Temporary Advances Act, 1866.

(*Prepared and brought in by Mr. Hunt and Mr. Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed*, 6 *August* 1867.

[Bill 302.]

Under 1 *oz.*

Railway Companies Relief Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

Preamble.

1. Short Title.
2. Application of Act.
3. Interpretation Clause.
4. Application to Board of Trade.
5. Consent to such Application.
6. Ground for Application to be stated.
7. Notice to be given.
8. Public Inquiry to be made.
9. Order of Board of Trade.
10. Other Arrangements may be authorized.
11. Application of Money.

A

BILL

FOR

The Relief of Railway Companies as regards their Agreements to work unprofitable Branch Lines.

Preamble.

WHEREAS various Branch Railways have been constructed and opened the Traffic upon which is insufficient to defray the Expenses of working and Maintenance, and it is expedient to authorize the Discontinuance of such Working:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The Railway Companies Relief Act, 1867."

Application of Act.

2. This Act shall apply to the whole of the United Kingdom.

Interpretation Clause.

3. For the Purposes of this Act, the following Words and Expressions have the Meanings hereby assigned to them, unless there is something in the Context inconsistent with such Meaning; (that is to say,)

"Branch Railway" means any Railway other than the Main Line or Railway of the Company owning the same:

"Company" means a Railway Company constituted by Act of Parliament, or by Certificate under Act of Parliament, for the Purpose of constructing, maintaining, or working a Railway.

Application to Board of Trade.

4. Any Company, with such Consent as in this Act mentioned, may apply to the Board of Trade for all or any of the following Purposes; (that is to say,)

1. The cancelling or altering the Agreement or Agreements under which any Branch Lines are worked:
2. The Abandonment of any Branch Railway:
3. The Sale or Lease of any Branch Railway to any other Company, Body, or Person.

Consent to such Application.

5. No such Application shall be made, except with the Consent of of the Votes of Shareholders present personally or by proxy at a Meeting of the Company to whom the Branch Railway belongs.

Ground for Application to be stated.

6. No such Application shall be entertained unless the Receipts from Traffic upon the Branch Railway have been for a Period of at least *Three Years* past insufficient to defray the necessary Expenses of leasing, working, and maintaining the Branch Railway.

Notice to be given.

7. Notice of such Application shall be given to every Company or Party with whom the Company seeking any Power under this Act may have made any Agreement for working such Branch, and in the Newspapers of any Town or Place having any Station on the Branch Railway, and in Two or more Newspapers of the County in which the Branch Railway is situate.

Public Inquiry to be made.

8. The Board of Trade shall, upon such Application, cause Inquiry to be made by some competent Person, at the Expense of the Company making the Application, into the Receipts arising from the Branch Railway, and their Sufficiency for leasing, working, and maintaining the Branch Railway, and the Expediency for the Public Advantage of continuing the working and Maintenance of the Branch Railway; and the Person appointed shall give such Notice of his Inquiry as the Board of Trade direct, and shall appoint a Time and Place for hearing Objections to the Application of the Company.

Order of Board of Trade.

9. If upon such Inquiry the Board of Trade are satisfied that the Public Interests are not sufficiently important to require the Continuance of the working of the Branch Railway, and that the Traffic

Traffic of such Branch Railway for a Period of at least *Three Years* has been and is likely to continue to be insufficient to pay the Expenses of such Working and Maintenance, they may by their Certificate authorize—

1. The cancelling or altering the Agreements under which Branch Lines are worked:
2. The Abandonment of the Branch Railway, and the Sale of the Lands upon which the same has been made or which are connected therewith, in manner provided by "The Lands Clauses Consolidation Act, 1845," as if the same were superfluous Lands within the Meaning of that Act, and the Sale of the Rails and Materials of the Branch Railway; or,
3. The Sale or Lease of the Branch Railway to any Company, Body, or Person or Persons, subject to such Conditions as to the Maintenance, Use, and working of the same, either by Steam or Animal Power, as a Railway for public Traffic, or otherwise, as the Board of Trade direct:

And in case of the Abandonment of a Branch Railway the Board of Trade shall require the Company to make Provision for the Removal or Maintenance of Bridges, Arches, Culverts, and Accommodation Works, or for Compensation to Owners and Occupiers of Property, Trustees of Turnpike Roads, Surveyors of Highways, and other Bodies or Persons, with reference thereto.

Other Arrangements may be authorized.

10. The Board of Trade may, if they think fit, instead of such Abandonment or Sale of the Branch Railway, authorize an Increase, temporarily or permanently, of Tolls or Charges to be taken in respect of the Branch Railway, or its working by Animal Power.

Application of Money.

11. The Board of Trade shall direct the Mode in which the Purchase Money arising from the Sale of any Lands or Materials shall be applied; and in case of the Cancellations or Alterations of any Agreement or Agreements under which Branch Lines are worked, or in case of the Abandonment of any Branch Lines, the Board of Trade may, if they think fit, award such Compensation to the Debenture and Shareholders of such Branch Lines as, upon Inquiry, they may consider right and proper, having regard to the Value of these Lines, and such Compensation shall be paid by the Company making Application under this Act.

Railway Companies Relief Bill.

A

BILL

For the Relief of Railway Companies as regards their Agreements to work unprofitable Branch Lines.

(*Prepared and brought in by Sir William Gallwey, and Mr. Beresford Hope.*)

Ordered, by The House of Commons, *to be Printed*, 24 *July* 1867.

[Bill 279.]

Under 1 *oz.*

Railway Companies (Scotland) Bill. [H. L.]

ARRANGEMENT OF CLAUSES.

Preliminary.

Clauses.

1. Short Title.
2. Extent of Act.
3. Interpretation.

Protection of Rolling Stock and Plant.

4. Restriction on Diligence against moveable Property of Company.
5. Determination of Questions respecting Diligence.

Arrangements.

6. Preparation and lodging of Scheme of Arrangement.
7. Stay of Actions.
8. Notice in Gazette.
9 Stay of Diligence, &c.
10. Assent by Debenture Holders, &c.
11. Assent by Persons in right of annual Payment, &c.
12. Assent by Preference Shareholders.
13. Assent by Ordinary Shareholders.
14. Assent by Leasing Company.
15. Assent of Creditors, &c. not affected, unnecessary.
16. Application for Confirmation of Scheme.
17. Confirmation of Scheme.
18. Extracting and Effect of Scheme.
19. Notice of Confirmation of Scheme.
20. Printing and Sale of Scheme.
21. Provision for Case where Railway or Part in England.
22. Acts of Sederunt to be made.

Loan Capital.

23. Priority of Mortgages.
24. Power to issue, and Interest on, Debenture Stock.
25. Restriction on Rate of Interest on Debenture Stock already authorized.

Clauses.

Share Capital.

26. Advances to meet Debentures falling due.
27. Power to issue Shares or Stock at Discount.
28. Power to issue Residue of original or other Capital at Discount.
29. Restriction on issuing at Discount of Shares or Stock already authorized.
30. Audit of Railway Accounts.

Abandonment.

31. Extension of Abandonment Act, 13 & 14 Vict. c. 83.
32. Abandonment where Three Fifths of Capital not subscribed.
33. Compensation for Damage to Land by Entry, &c.
Cancellation of Bonds for Completion of Railways and Release of Deposit.—Clause A.
Protection for Board of Trade in case of Error.—Clause B.

Purchase of Lands.

34. Amendment (as to Railway Companies) of Section 84 of Lands Clauses (Scotland) Act.
35. Costs of Arbitration as to Lands.

A

B I L L

INTITULED

An Act to amend the Law relating to Railway Companies in Scotland.

[Note.—*The Clauses printed in Red are proposed to be inserted.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Title.

1. This Act may be cited as The Railway Companies (Scotland) Act, 1867.

Extent of Act.

2. Except as in this Act expressly otherwise provided, this Act shall extend to Scotland only.

Interpretation.

3. In this Act—

The Term "Company" means a Railway Company, that is to say, a Company constituted by Act of Parliament, or by Certificate under Act of Parliament, for the Purpose of constructing, maintaining, or working a Railway (either alone or in conjunction with any other Purpose):

The Term "Decree" includes Decree of Court (whether in absence or in foro contradictorio) and Decree of Registration (whether

(whether on Deeds containing a Clause of Registration or on registered Protests of Promissory Notes or Bills of Exchange):

The Term "Share" includes Stock:

The Term "Person" includes Corporation:

The Terms "Court of Session" and "Court" shall mean either Division of the Court of Session, or in Time of Vacation the Lord Ordinary officiating on the Bills.

Protection of Rolling Stock and Plant.

Restriction on Diligence against Moveable Property of Company.

4. The Engines, Tenders, Carriages, Trucks, Machinery, Tools, Fittings, Materials, and Effects constituting the Rolling Stock and Plant used or provided by a Company for the Purposes of the Traffic on their Railway, or of their Stations or Workshops, shall not, after their Railway or any Part thereof is open for Public Traffic, be liable to be attached by Diligence at any Time after the passing of this Act and before the First Day of September One thousand eight hundred and sixty-eight where the Decree on which Diligence proceeds is obtained in an Action on a Contract entered into after the passing of this Act, or in an Action not on a Contract commenced after the passing of this Act, or on a protested Promissory Note or Bill of Exchange, or a Bond containing a Clause of Registration registered after the passing of this Act.

Determination of Questions respecting Diligence.

5. If in any Case where Property of a Company has been attached by Diligence a Question arises whether or not it is liable to be so attached notwithstanding this Act, the same may be heard and determined on an Application by either Party by Petition in a summary Way to the Court; and such Determination shall be final and binding.

Arrangements.

Preparation and lodging of Scheme of Arrangement.

6. Where a Company are unable to meet their Engagements with their Creditors the Directors may prepare a Scheme of Arrangement between the Company and their Creditors (with or without Provisions for settling and defining any Rights of Shareholders of the Company as among themselves, and for raising, if necessary, additional Share and Loan Capital, or either of them), and may present a Petition to the Court for the Approval and Confirmation thereof, and shall along therewith lodge a Declaration in Writing under the Common Seal of the Company to the Effect that the Company are unable to meet their Engagements with their Creditors, and with an Affidavit of the Truth of such Declaration made by the Chairman of the Board of Directors and by the other Directors, or the major Part in Number of them, to the best of their respective Judgment and Belief.

7. After

Stay of Actions.

7. After the Application shall have been made for the Approval of the Scheme, the Court may, on Motion by the Company in such Application, sist or interdict any Action or other Proceedings against the Company, on such Terms as the Court thinks fit.

Notice in Gazette.

8. Notice of the Application to the Court for the Confirmation of the Scheme shall be published in the Edinburgh Gazette.

Stay of Diligence, &c.

9. After such Publication of Notice no Diligence against the Property of the Company shall be available without Leave of the Court, to be obtained on Petition in a summary Way.

Assent by Debenture-holders, &c.

10. The Scheme shall be deemed to be assented to by the Holders of Mortgages, Debentures, or Bonds issued under the Authority of the Company's Special Acts when it is assented to in Writing by Three Fourths in Value of the Holders of such Mortgages, Debentures, or Bonds, and shall be deemed to be assented to by the Holders of Debenture Stock of the Company when it is assented to in Writing by Three Fourths in Value of the Holders of such Stock.

Assent by Persons in right of annual Payment, &c.

11. Where any annual Payment is charged on the Receipts of, or is payable by the Company in consideration of the Purchase of the Undertaking of another Company, the Scheme shall be deemed to be assented to by the Persons in right of such annual Payment when it is assented to in Writing by Three Fourths in Value of such Persons.

Assent by Preference Share-holders.

12. The Scheme shall be deemed to be assented to by the Guaranteed or Preference Shareholders of the Company when it is assented to in Writing as follows:—If there is only One Class of Guaranteed or Preference Shareholders, then by Three Fourths in Value of that Class; and if there are more Classes of Guaranteed or Preference Shareholders than One, then by Three Fourths in Value of each such Class.

Assent by Ordinary Share-holders.

13. The Scheme shall be deemed to be assented to by the Ordinary Shareholders of the Company when it is assented to at an Extraordinary General Meeting of the Company specially called for that Purpose.

Assent by Leasing Company.

14. Where the Company are Lessees of a Railway the Scheme shall be deemed to be assented to by the Leasing Company when it is assented to as follows:

In Writing by Three Fourths in Value of the Holders of Mortgages, Bonds, and Debenture Stock of the Leasing Company:

If there is only One Class of Guaranteed or Preference Shareholders of the Leasing Company, then in Writing by Three Fourths in Value of that Class; and if there are more Classes of Guaranteed or Preference Shareholders in the Leasing Company than One, then in Writing by Three Fourths in Value of each such Class:

By the Ordinary Shareholders of the Leasing Company at an Extraordinary General Meeting of that Company specially called for that Purpose.

Assent of Creditors, &c. not affected, unnecessary.

15. Provided, That the Assent to the Scheme of any Class of Holders of Mortgages, Debentures, Bonds, or Debenture Stock, or of any Class of Persons in right of annual Payment as aforesaid, or of any Class of Guaranteed or Preference Shareholders, or the Assent of a Leasing Company, shall not be requisite in case the Scheme does not prejudicially affect any Right or Interest of such Class or Company.

Application for Confirmation of Scheme.

16. If at any Time within Three Months after presenting a Petition to the Court for the Confirmation of the Scheme, or within such extended Time as the Court from Time to Time thinks fit to allow, the Directors of the Company consider the Scheme to be assented to as by this Act required, they may move the Court for Confirmation of the Scheme.

Notice of any such Application, when intended, shall be published in the Edinburgh Gazette.

Confirmation of Scheme.

17. After hearing the Directors, and any Creditors, Shareholders, or other Parties whom the Court thinks entitled to be heard on the Application, the Court, if satisfied that the Scheme has been, within Three Months after the Presentation of the Petition for Confirmation thereof, or within such extended Time (if any) as the Court has allowed, assented to as required by this Act, and that no sufficient Objection to the Scheme has been established, may confirm the Scheme and decern accordingly.

Extracting and Effect of Scheme.

18. The Scheme when confirmed shall be extracted, and thenceforth the same shall be binding and effectual to all Intents, and the Provisions thereof shall, against and in favour of the Company and all Parties assenting thereto or bound thereby, have the like Effect as if they had been enacted by Parliament.

Notice of Confirmation of Scheme.

19. Notice of the Decree of Confirmation of the Scheme shall be published in the Edinburgh Gazette.

20. The

Printing and Sale of Scheme.

20. The Company shall at all Times keep at their principal Office printed Copies of the Scheme, when confirmed, and shall sell such Copies to all Persons desiring to buy the same at a reasonable Price, not exceeding Sixpence for each Copy.

If the Company fail to comply with this Provision they shall be liable to a Penalty not exceeding Twenty Pounds, and to a further Penalty not exceeding Five Pounds for every Day during which such Failure continues after the First Penalty is incurred, which Penalties shall be recovered and applied as Penalties under The Railways Clauses Consolidation (Scotland) Act, 1845, are recoverable and applicable.

Provision for Case where Railway or Part in England.

21. Where a Company whose principal Office is situate in Scotland have a Railway or Part of a Railway in England the following Provisions shall have Effect:

(1.) Any Petition for the Approval and Confirmation of a Scheme under this Act shall be presented to the Court of Session:

(2.) Where, after the presenting of any such Petition, any Person who is not amenable to the Jurisdiction of the Court of Session brings any Action or institutes any other Proceeding against the Company in England, the Court of Chancery may, on the Application of the Company on Summons or Motion, in a summary Way, restrain the same, on such Terms as the Court thinks fit:

(3.) Notice of the presenting of the Petition shall be published in the London Gazette, and after such Publication no Execution, Attachment, or other Process against the Property of the Company in England shall be available for any Person who is not amenable to the Jurisdiction of the Court of Session without the Leave of the Court of Chancery, to be obtained on Summons or Motion in a summary Way.

Acts of Sederunt to be made.

22. The Court of Session may from Time to Time make Acts of Sederunt for the Regulation of the Practice of the Court under this Act.

Loan Capital.

Priority of Mortgages.

23. All Money borrowed or to be borrowed by a Company on Mortgage, Debenture, or Bond or Debenture Stock under the Provisions of any Act authorizing the borrowing thereof shall have Priority against the Company and the Property from Time to Time of the Company over all other Claims on account of any Debts incurred or Engagements entered into by them after the passing of this

this Act: Provided always, that this Priority shall not affect any Claim, Right, or Remedy against the Company in respect of any Rentcharge, annual Feu Duty, or Ground Annual granted or to be granted by them in pursuance of the Lands Clauses Consolidation (Scotland) Act, 1845, or the Lands Clauses Consolidation Acts Amendment Act, 1860, or in respect of any Rent or Sum reserved by or payable under any Lease granted or made to the Company by any Person in pursuance of any Act relating to the Company which is entitled to rank in Priority to, or pari passu with, the Interest or Dividends on the Mortgages, Debentures, Bonds, and Debenture Stock; nor shall anything herein-before contained affect any Claim for Land taken, used, or occupied by the Company for the Purposes of the Railway, or injuriously affected by the Construction thereof, or by the Exercise of any Powers conferred on the Company.

Power to issue, and Interest on, Debenture Stock.

24. Any Company may create and issue Debenture Stock, subject to the Provisions of Part III. of The Companies Clauses Act, 1863 (relating to Debenture Stock); and the said Part III. shall, with respect to any Special Act of a Company incorporating that Part, whether passed or to be passed, be read and have Effect as if the following Words, that is to say,—"not exceeding the Rate prescribed "in the Special Act, and if no Rate is prescribed, then not exceeding "the Rate of Four Pounds per Centum per Annum," had not been inserted in Section Twenty-two of that Act; and any Special Act of a Company passed before the passing of this Act prescribing any Rate shall be read and have Effect as if no Rate had been prescribed therein.

Restriction on Rate of Interest on Debenture Stock already authorized.

25. Provided, That any Debenture Stock the Creation whereof has been authorized by a Company, but which has not been issued, before the passing of this Act, shall not be issued on any Terms other than those whereon it might have been issued if this Act had not been passed, unless and until the Issue thereof on Terms other than as aforesaid is after the passing of this Act authorized by the Company in manner provided in Section Twenty-two of The Companies Clauses Act, 1863.

Advances to meet Debentures falling due.

26. Money borrowed by a Company for the Purpose of paying off, and duly applied in paying off, Bonds, Debentures, or Mortgages of the Company, given or made under the statutory Powers of the Company, shall, so far as the same is so applied, be deemed Money borrowed within and not in excess of such statutory Powers.

Share Capital.

Power to issue Shares or Stock at Discount.

27. Section Twenty-one of The Companies Clauses Act, 1863, shall, with respect to any Special Act of a Company incorporating Part

Part II. of that Act, whether passed or to be passed, be read and have Effect as if the following Words, that is to say,—"but so that "not less than the full nominal Amount of any Share or Portion "of Stock be payable or paid in respect thereof," had not been inserted in that Section.

Power to issue Residue of original or other Capital at Discount.

28. Any Shares forming Part of the Capital (whether original or additional) authorized to be raised by any Special Act of a Company, passed before the present Session, which have not been disposed of, may be disposed of in manner provided by Part II. of the Companies Clauses Act, 1863, as amended by this Act, and that Part, as so amended, shall be deemed incorporated with such Special Act accordingly.

Restriction on issuing at Discount of Shares or Stock already authorized.

29. Provided, That any Shares the Creation whereof has been authorized by a Company, but which have not been issued, before the passing of this Act, shall not be issued on any Terms other than those whereon the same might have been issued if this Act had not been passed, unless and until the Issue thereof on Terms other than as aforesaid is after the passing of this Act authorized by the Company in manner provided by Part II. of The Companies Clauses Act, 1863.

Audit of Railway Accounts.

30. No Dividend shall be declared by a Company until the Auditors have certified that the half-yearly Accounts proposed to be issued contain a full and true Statement of the financial Condition of the Company, and that the Dividend proposed to be declared on any Shares is bonâ fide due thereon after charging the Revenue of the Half Year with all Expenses which ought to be paid thereout in the Judgment of the Auditors; but if the Directors differ from the Judgment of the Auditors with respect to the Payment of any such Expenses out of the Income of the Half Year, such Difference shall, if the Directors desire it, be stated in the Report to the Shareholders, and the Company in General Meeting may decide thereon, subject to all the Provisions of the Law then existing, and such Decision shall for the Purposes of Dividend be final and binding; but if no such Difference is stated, or if no Decision is given on any such Difference, the Judgment of the Auditors shall be final and binding; and the Auditors may examine the Books of the Company at all reasonable Times, and may call for such further Accounts, and such Vouchers, Papers, and Information, as they think fit; and the Directors and Officers of the Company shall produce and give the same as far as they can, and the Auditors may refuse to certify as aforesaid until they have received the same; and the Auditors may at any Time add to their Certificate, or issue to the Shareholders independently at the Cost of the Company, any

Statement respecting the financial Condition and Prospects of the Company which they think material for the Information of the Shareholders.

Abandonment.

Extension of Abandonment Act, 13 & 14 Vict. c. 83.

31. The Abandonment of Railways Act, 1850, shall extend and apply to all Companies authorized to make Railways by Act of Parliament passed before the present Session, subject and according to the following Provisions:

(1.) Section Thirty-one of that Act shall be read and have Effect as if The Companies Act, 1862, were referred to therein instead of The Joint Stock Companies Winding-up Act, 1848, or any Act amending the same:

(2.) Section Thirty-five of the said Act of 1850 shall be read and have Effect as if the Date of the Twenty-first Day of May One thousand eight hundred and sixty-seven were therein substituted for the Date of the Eleventh Day of February One thousand eight hundred and fifty:

(3.) Nothing in the said Act of 1850 or this Act shall be deemed to make it obligatory on the Board of Trade to authorize the Abandonment of a Railway or Part of a Railway on any Application in that Behalf, and the Board of Trade shall not authorize such Abandonment in any Case, unless it appears to them just and expedient so to do; and the Board of Trade may, if they think fit, refuse in any Case to authorize such Abandonment, except on Condition of the Money deposited as Security for the Completion of the Railway, or the Stocks, Funds, or Securities on which the same is invested, or the Money secured by any Bond conditioned for Completion of the Railway, or for Payment of Money in default thereof, being applied as Part of the Assets of the Company.

Abandonment where Three Fifths of Capital not subscribed.

32. Where it is shown to the Satisfaction of the Board of Trade, with respect to a Company authorized to make a Railway by Act of Parliament passed before the present Session, that no Part or a Part less than Three Fifths of the Share Capital of the Company has been subscribed, the Board of Trade may, if they think fit, proceed under the said Act of 1850, as extended by this Act, on the Application of any Person named in the Special Act incorporating the Company as a Member or Director thereof, or of any Person named in the Warrant or Order directing Payment of any Deposit under any Standing Order of either House of Parliament, or of any Person who has lent the Amount of such Deposit or any Part thereof, or has entered into any Bond conditioned for the

the Completion of the Railway, or for Payment of any Money in default thereof, and without the preliminary Consent of a Meeting of Shareholders of the Company.

Compensation for Damage to Land by Entry, &c.

33. The Authority given under this Act for the Abandonment by a Company of any Railway or Part of a Railway shall not affect the Right of the Owner or Occupier of any Lands that have been temporarily occupied by the Company to receive Compensation, in accordance with the Provisions of The Railways Clauses Consolidation (Scotland) Act, 1845, for such temporary Occupation, or for any Loss, Damage, or Injury that has been sustained by him by reason thereof, or of the Exercise as regards such Lands of any of the Company's Powers.

CLAUSE A. Cancellation of Bonds for Completion of Railways, and Release of Deposit.

Where a Warrant for Abandonment is granted under The Abandonment of Railways Act, 1850, as extended by this Act, the Commissioners of Her Majesty's Treasury may cancel and deliver up any Bond entered into by or on behalf of a Railway Company for securing the Completion of a Railway, or, in case the Abandonment be of Part of the Railway only, may cancel and deliver up such Bond on receiving another Bond in lieu thereof, conditioned for Payment of a due proportionate Part of the Amount secured by such former Bond; and any Money remaining deposited as Security for the Completion of the Railway, or the Stocks, Funds, or Securities in which the same is invested, or any Bank Annuities, Stocks, Funds, Securities, or Exchequer Bills remaining deposited as such Security, or in case the Abandonment authorized is of Part only of a Railway, then such proportionate Part as the Board of Trade thinks fit of such Money, Stocks, Funds, Securities, Annuities, or Exchequer Bills, shall be paid, transferred, or delivered out to the Persons who would be entitled to receive the same if the Railway had been completed and opened for public Traffic; and the Court of Chancery or Court of Session, as the Case may be, shall, on the Application of those Persons, order Payment, Transfer, or Delivery out thereof accordingly, on a Certificate of the Board of Trade certifying that such a Warrant for Abandonment has been granted.

CLAUSE B. Protection for Board of Trade in case of Error.

The issuing in any Case of any Warrant or Certificate relating to Deposit, or to any Money, Stocks, Funds, Securities, Bank Annuities, or Exchequer Bills deposited, or any Error in any such Warrant or Certificate, or in relation thereto, shall not make the Board of Trade, or the Person signing the Warrant or Certificate on their Behalf, in any Manner liable for or in respect of the Money, Stocks, Funds, Securities, Bank Annuities, or Exchequer Bills deposited, or the Interest of or Dividends on the same or any Part thereof respectively.

Purchase of Lands.

Amendment (as to Railway Companies) of Section 84. of Lands Clauses (Scotland) Act.

34. Where after the passing of this Act a Company exercise the Powers conferred on the Promoters of the Undertaking by Section Eighty-four of The Lands Clauses Consolidation (Scotland) Act, 1845, the following Provisions shall have Effect:—

(1.) The Valuator to be appointed as in that Section provided shall be appointed by the Board of Trade instead of by the Sheriff, and all the Provisions of that Act relative to a Valuator appointed by the Sheriff shall apply to a Valuator so appointed by the Board of Trade:

(2.) The Company shall give not less than Seven Days Notice of their Intention to apply to the Board of Trade for the Appointment of a Valuator to any Party interested in or entitled to sell and convey the Lands in question, and not consenting to the Entry of the Company:

(3.) The Valuation to be made by the Valuator so appointed shall include the Amount of Compensation for all Damage and Injury to be sustained by reason of the Exercise of the Powers conferred by the said Section, as far as such Damage and Injury are capable of Estimation:

(4.) The Securities to the Bond to be given by the Company under that Section shall, in case the Parties differ, instead of being approved of by the Sheriff, be approved of by the Board of Trade, after hearing the Parties.

Costs of Arbitration.

35. Where, under The Lands Clauses Consolidation (Scotland) Act, 1845, or any Act incorporating the same, a Question of disputed Compensation relating to Lands required to be purchased or taken by a Company is determined by Arbitration, the Costs of and incidental to the Arbitration and Award shall, if either Party so requires, be taxed, as between the Parties, by the Auditor of the Court of Session.

Railway Companies (Scotland). [H.L.]

A

BILL

INTITULED

An Act to amend the Law relating to Railway Companies in Scotland.

(*Brought from the Lords* 6 *August* 1867.)

Ordered, by The House of Commons, *to be Printed*, 7 *August* 1867.

[Bill 306.]

Under 2 *oz.*

is Bill to be substituted for the Bill [101.] already delivered.

Railway Companies (Winding-up) (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

Preamble.

1. Landed Estates Court shall have Power to sell Railways on a Petition for that Purpose.
2. Who may petition for Sale.
3. Preliminaries necessary prior to presenting Petition.
4. Jurisdiction of the Court on such Petition.
5. Day of Sale not to be sooner than Six Months from Order.
6. Provisional Credit may be granted for Purchase Money.
7. Effect of Sale and Conveyance.
8. Rights and Obligations of Purchasers.
9. Purchaser may re-sell or lease, with Sanction of Board of Trade.
10. Application of Purchase Money.
11. Power of Court to stay Proceedings on Terms.
12. Pending Petition Creditor not to proceed without Leave of Court.
13. No Judgment against a Railway Company to be registered as a Mortgage.
14. Incorporation of Act.
15. Short Title of Act.

A

B I L L

TO

Provide for the Winding-up of Railway Companies in Ireland in certain Cases.

WHEREAS it is expedient to make Provision for the Winding-up of Railways in Ireland belonging to Companies unable to meet their Engagements, and at the same Time to secure the Right of the Public to use such Railways: Preamble.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Landed Estates Court shall have Power to sell Railways on a Petition for that Purpose.

1. From and after the *passing of this Act* the Landed Estates Court, Ireland, shall have Power to sell and convey any Line of Railway in Ireland which has been or shall be wholly or partially opened for Public Traffic, upon a Petition for that Purpose being presented to the said Court as herein-after mentioned.

Who may petition for Sale.

2. A Petition for Sale of a Railway may be presented by any of the following Parties.

(a.) A Railway Company if unable to meet its Engagements.

(b.) Any Creditor or Creditors by Judgment, Bond, Debenture, or Mortgage, whose Demand or Demands in the aggregate shall amount to the Sum of *Ten thousand Pounds* or upwards,

upwards, if entitled to call in the Principal of their Debt, or whose Interest shall be in arrear for *One* whole Year.

(c.) The Attorney General for a Debt due and payable to the Crown, or the Exchequer Loan Commissioners, or the Commissioners of Public Works in Ireland, or in case the Line shall not be kept open for Public Traffic.

Preliminaries necessary prior to presenting Petition.

3. It shall not be lawful for a Railway Company to present such Petition unless in pursuance of a Resolution to that effect passed at a General Meeting of the Company convened for that Purpose, and approved of by Proprietors present in Person or by Proxy, holding at least Three Fourths of the paid-up Capital of the Company, nor for any Creditor or Creditors to present such Petition, unless he or they shall have served upon the Company a Notice in Writing demanding Payment of his or their Principal or Interest *One Month* previously to the presenting of the Petition, nor for the Attorney General unless *One Month's* Notice in Writing shall have been served by the Crown Solicitor upon the Company, demanding Payment of the Debt sought to be recovered, or requiring the Line to be used for Public Traffic.

Jurisdiction of the Court on such Petition.

4. Upon the presenting of any such Petition it shall be lawful for the Court to make such and the like Orders for Sale and otherwise as they are now empowered to make in the Case of a Petition presented for the Sale of Land, and the Court shall have the same Power, Jurisdiction, and Authority as they now have in Cases of the Sale of Land by the Court.

Day of Sale not to be sooner than Six Months from Order.

5. After the Order for Sale shall have been made absolute the Court shall appoint a Day for the Sale of the Railway not earlier than *Six Months* from the Date of the Notice of such Sale.

Provisional Credit may be granted for Purchase Money.

6. In case the Purchase shall be made by or on behalf of the Creditors of the said Railway Company it shall be lawful for the Court to give them Credit for the Amount of their Demand as against the Purchase Money.

Effect of Sale and Conveyance.

7. The Court shall have Power to sell and convey the said Railway and Undertaking, including the Lands occupied thereby and the Plant, Rolling Stock, and other Chattels used in the working of the said Railway; and such Conveyance shall be effectual to pass to the Purchaser the Fee Simple of the said Land and the absolute Property in the said Chattels discharged of all other Estates, Rights, Titles, Charges, and Incumbrances whatsoever.

8. The

Rights and Obligations of Purchasers.

8. The Purchaser or Purchasers shall have and enjoy all the Powers and Rights belonging to the Railway Company in respect of Tolls, Rates, Charges, Fines, and Penalties, and generally shall stand in the Place of the said Company, and shall be subject to the Obligation to maintain and keep open the Railway for Public Traffic, and to the Provisions of all General Acts relating to Railways.

Purchaser may resell or lease, with Sanction of Board of Trade.

9. It shall be lawful for the Purchaser or Purchasers to lease or sell the said Railway to any other Person or Company with the Sanction of the Board of Trade, but not otherwise.

Application of Purchase Money.

10. The Purchase Money shall be applied by the Court in Payment of the Debts of the said Railway Company, according to their Priorities, and the Residue shall be allocated to the Shareholders according to their Priorities.

Power of Court to stay Proceedings on Terms.

11. It shall be lawful for the Court, at any Time after the presenting of such Petition, to make an Order staying or suspending the Proceedings to a Sale upon such Terms as to paying or securing the Demand of the Petitioner or Petitioners as to the Court shall seem just, and for the Benefit of the Parties interested in the Railway.

Pending Petition Creditor not to proceed without Leave of the Court.

12. After the presenting of any such Petition, it shall not be lawful for any Creditor of the Railway Company to commence any Action or Suit, or issue any Execution, or take any other Proceeding against the Company without obtaining the special Leave of the Court, and in case of Proceedings pending, or Executions issued at the Time of presenting such Petition, the Court shall have Power to stay the same upon such Terms as shall appear to the Court to be just.

No Judgment against a Railway Company to be registered as a Mortgage.

13. After the passing of this Act, it shall not be lawful for any Creditor by Judgment of any Railway Company to register such Judgment as a Mortgage against the Estate and Interest of the said Company in any Land used and occupied for the Purposes of the Railway or in connexion therewith.

Incorporation of Acts.

14. This Act, and the Act to facilitate the Sale and Transfer of Land in Ireland and The Landed Estates Court Act, 1866, shall be construed together as One Act, so far as is consistent with the Tenor thereof.

Short Title of Act.

15. This Act may be cited as "The Winding-up of Railways "(Ireland) Act, 1867."

Railway Companies (Winding-up) (Ireland).

A

B I L L

To provide for the Winding-up of Railway Companies in Ireland in certain Cases.

(Prepared and brought in by Mr. Lawson, Sir Colman O'Loghlen, and Mr. Sullivan.)

Ordered, by The House of Commons, *to be Printed*, 29 *March* 1867.

[Bill 101.]

Under 1 *oz.*

A

BILL

FOR

The Amendment of "The Railway Construction Facilities Act (1864)."

WHEREAS by the Act of the Twenty-seventh and Twenty-eighth Victoria, Chapter One hundred and twenty-one, intituled "An Act to facilitate in certain Cases the "obtaining of Powers for the Construction of Railways" (herein called the recited Act), it was enacted (by Section Nine thereof), "If "in any Case any Railway or Canal Company desire to be heard by "Counsel, Agents, and Witnesses against the proposed Undertaking, "and (within such Time as is prescribed by General Rules under "this Act) lodge at the Office of the Board of Trade a Notice in "Writing to that Effect (herein-after referred to as a Notice of "Opposition) in the Form set forth in the Schedule to this Act "(with such Variations as Circumstances require), in that Case the "Board of Trade, if the Railway or Canal Company lodging the "Notice would be affected in any way by the proposed Under-"taking, shall not proceed on the Application of the Promoters;" and it was further enacted (by Section Ten thereof), "Where the "Board of Trade do not proceed on the Application they shall, "not later in any Year than the Fifteenth Day of February if "Parliament is then sitting, and if not then within Seven Days "after the next Meeting of Parliament, lay before both Houses of

Preamble.

27 & 28 Vict. c. 121.

" Parliament a Copy of the Draft Certificate lodged by the " Promoters, and of the Notice of Opposition; and the Promoters " shall be at liberty to seek by way of Bill in the same Session, " in such Manner and on such Conditions as the Houses of " Parliament respectively, by Standing Order or otherwise, from " Time to Time direct, such Powers as were sought by them by " way of Certificate :"

And whereas it would be expedient and greatly for the Public Advantage that the said Two Sections should be repealed :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Repeal of Sections 9. and 10. of recited Act.

1. That the said Sections Nine and Ten of the recited Act, with all Provisions and Expressions in the said Act or in the Schedule thereunto annexed, which in any way relate to are connected with the said Sections, be and the same are hereby repealed; and the said Act shall be read and construed and carried into effect in all respects as if the said Sections, with all Provisions and Expressions as aforesaid, were not contained in the said Act.

Short Title.

2. This Act may be cited as "The Railways Construction Facilities Act Amendment Act, 1867."

Railway Construction Facilities Act (1864) Amendment.

A

BILL

For the Amendment of "The Railway Construction Facilities Act (1864)."

(*Prepared and brought in by Mr. Whalley and Mr. White.*)

Ordered, by The House of Commons, *to be Printed,* 26 *February* 1867.

[Bill 57.]

Under 1 *oz.*

Railway Debenture Holders Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Clause.

1. Short Title.
2. Interpretation.
3. Engines and Plant to be Security for Debenture Debt.
4. Saving Rights of existing Creditors.

A

BILL

FOR

Affording better Security to the Holders of Railway Debentures.

WHEREAS it is expedient to make further Provision for the Security of Persons lending or advancing Money to Railway Companies on Mortgage, Bond, Debenture, and Debenture Stock, and to ensure the continued Use of Railways by the Public: Preamble.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited as "The Railway Debenture Holders Security Act, 1867." Short Title.

2. In this Act:— Interpretation.

The Term "Debenture Debt" means and includes Money raised by a Railway Company on Mortgage or Bond, or by Debenture Stock, Mortgage Preference Stock, or by any other Stock, by whatever Name the same may be called, issued to represent Loan Capital of a Railway Company under the Authority of any Act of Parliament or Certificate of the Board of Trade and constituting a Charge on the Undertaking,

or having Priority over the Preference and guaranteed Shares and Stocks and ordinary Shares and Stocks of a Railway Company:

The Term "Railway Company" includes every Company constituted or empowered by Act of Parliament, or by Certificate of the Board of Trade, for the Purpose of constructing, maintaining, or working or conveying the Traffic on a Railway, either alone or in conjunction with other Purposes:

The Term "Instrument" extends to and includes a Mortgage Bond, Stock Certificate, and other Document issued in respect of any such Debenture Debt:

The Expression "Person" shall include a Corporation, whether aggregate or sole.

Engines and Plant to be Security for Debenture Debt.

3. The Undertaking as defined by The Companies Clauses Consolidation Act, 1845, and all the Engines, Carriages, Waggons, and other Plant, moveable and immoveable (including Workshops), used or required for the proper Management and Working of the Railway, and belonging to the Railway Company, shall be Security for the Payment of Interest or Dividend on the Debenture Debts of a Railway Company, and, as the Case may require, for the Repayment of the Principal Money of the Debenture Debt; and it shall not hereafter be lawful for any Person to seize or take in Execution, in satisfaction of any Debt or Claim (other than Rates or Taxes, or Rentcharges in respect of which there is a Power of Distress, or Compensation for personal Injury or Loss,) incurred or made after the *passing of this Act*, such Undertaking, Engines, Carriages, Waggons, or other Plant, including Workshops as aforesaid.

Saving Rights of Existing Creditors.

4. This Act shall not, as against any Simple Contract or Judgment Creditor, or Holder of any Instrument issued in respect of any Debenture Debt previously to the *passing of this Act*, have any retrospective Operation.

Railway Debenture Holders.

A

B I L L

For affording better Security to the Holders of Railway Debentures.

(*Prepared and brought in by Mr. Watkin, Mr. Alderman Salomons, and Mr Laing.*)

Ordered, by The House of Commons, *to be Printed*, 14 *February* 1867.

[Bill 20.]

Under 1 *oz.*

A

BILL

TO

Compel Railway Companies to provide an efficient Means of Communication between the Guards and Passengers of Railway Trains.

WHEREAS, in consequence of the Absence of ready and effectual Means of Communication between Passengers travelling by Railway Trains and the Guards in charge thereof, great Evils have resulted, and the Safety of the whole Train and the Lives of the Passengers have been frequently imperilled: Preamble.

And whereas, by reason of the Absence of such Means of Communication, a general Feeling of Insecurity prevails amongst Persons travelling by Railways:

And whereas it is expedient to make Provision for the Establishment of some prompt and efficient Means of Communication between Persons travelling by Railways and the Guards in charge thereof, and between such Guards and the Drivers of Locomotive Engines attached to such Trains:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. In citing this Act, it shall be sufficient to use the Words "Railway Passengers' and Guards' Communication Act."

Act to apply to all Railway Companies.

2. The Provisions of this Act shall apply to all Railway Companies engaged in Passenger Traffic, and incorporated or to be incorporated, in Great Britain or Ireland.

Effectual Means of Communication with Guards and Drivers of Railway Trains to be provided in all such Trains.

3. From and after the Expiration of *Three Months* from the *passing of this Act*, each and every Railway Company in Great Britain and Ireland shall, in all Trains engaged in Passenger Traffic, fit up and provide in each Carriage and in each Compartment of a Carriage in which Passengers are admitted ready and effectual Means of Communication with the Guards in charge of such Trains respectively, and shall also provide ready and effectual Means of Communication between the said Guards and the Driver or Drivers of the Locomotive Engines attached to such Trains.

Penalty for not establishing such Means of Communication.

4. Any Railway Company causing or permitting Passenger Trains to travel upon the Lines of Railway under their Control and Management without providing the ready and effectual Means which they are hereby required to provide between the Passengers and the Guards, and between the Guards and the Drivers of Locomotive Engines attached to such Passenger Trains respectively, shall, for each such Passenger Carriage, and for each Journey of such Carriage, unprovided with the Means of Communication aforesaid, be liable, on summary Conviction before any Two Justices of the Peace, or before any One Stipendiary Magistrate, to a Penalty not exceeding *Five Pounds*.

Penalty on Persons wantonly using Means of Communication.

5. Any Person or Persons being a Passenger or Passengers in a Railway Carriage provided with such Means of Communication with the Guards and Drivers of Locomotive Engines as aforesaid who shall wantonly or mischievously use or set in motion the Means of Communication with the said Guards so to be provided as aforesaid, shall for each Offence be liable, on summary Conviction as aforesaid, to a Penalty not exceeding *Five Pounds*, and, in default of such Penalty being paid, to *Seven Days* Imprisonment.

Board of Trade to grant Certificate of Compliance with Act.

6. Upon receiving sufficient Evidence from the Directors of any Railway Company, that the Provisions of this Act have been effectually complied with by them, it shall be lawful for the Board of Trade to grant a Certificate, certifying such Compliance; and the Production of such Certificate, by any Railway Company obtaining the same, shall be received as Evidence that they have complied with the Provisions of this Act.

Railways (Guards' and Passengers' Communication).

A

BILL

To compel Railway Companies to provide an efficient Means of Communication between the Guards and Passengers of Railway Trains.

(*Prepared and brought in by Mr. Henry B. Sheridan and Sir Patrick O'Brien.*)

Ordered, by The House of Commons, *to be Printed,* 20 *February* 1867.

[Bill 39.]

Under 1 *oz.*

A

BILL

TO

Amend and extend as to Railways in Ireland the Provisions of an Act of the Seventh and Eighth Years of Victoria, intituled "An Act to attach "certain Conditions to the Construction of "future Railways authorized or to be autho- "rized by any Act of the present or succeeding "Sessions of Parliament; and for other Pur- "poses in relation to Railways."

WHEREAS it is expedient to amend an Act passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled "An Act to attach certain Conditions to the Construction of future "Railways authorized or to be authorized by any Act of the "present or succeeding Sessions of Parliament; and for other "Purposes in relation to Railways," so far as the same relates to the furnishing of Accounts to the Commissioners of Her Majesty's Treasury by Railway Companies in Ireland: Preamble. 7 & 8 Vict. c. 85.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal,

and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to Commissioners of Treasury to call for Accounts of any Railway Company in Ireland.

1. It shall be lawful for the Commissioners of Her Majesty's Treasury to direct any Railway Company in Ireland to furnish to them, on such Day as they shall appoint, a full and true Account of all Monies received and paid during a Period of Three Years previous to the Date of the last half-yearly Account of such Company on account of such Railway or of any Undertaking connected therewith (distinguishing, if the said Railway shall be a Branch Railway or one worked in common with other Railways, the Receipts, and giving an Estimate of the Expenses, on account of the said Railway, from those on account of the Trunk Line or other Railways) by the Directors of the Company to whom such Railway belongs or by whom the same may be worked; and also an Account of the Assets and Liabilities of such Company, at such Time or Times during the said Period as the said Commissioners shall specify; and such Accounts shall be duly audited and certified under the Hands of Two or more of the Directors of such Company.

Power to Commissioners of Treasury to appointPersons to inspect Accounts, &c. of Railway Companies in Ireland.

2. It shall be lawful for the Commissioners of Her Majesty's Treasury, if and when they shall think fit, to appoint any proper Person or Persons for all or any of the Purposes following; that is to say:

To inspect the Accounts and Books of any Railway Company in Ireland during the Period of Three Years previous to the Date of the last half-yearly Account of such Company;

To examine the Railway, Stations, Works, Buildings, Engines, Carriages, and other Property, of whatsoever Kind, belonging to any Railway Company in Ireland;

And any Person so appointed may at all reasonable Times, upon producing his Authority, if required, inspect the Books, Accounts, and Vouchers, and other Documents of such Company, at the principal Place of Business of such Company, and may take Copies or Extracts therefrom, and enter upon and examine the Railway or Railways, and the Stations, Works, and Buildings belonging to such Company, and may inspect the Engines and Carriages and other Property, of whatever Kind, belonging to such Company; and every such Person may call for the Production of any Books, Accounts, Vouchers, or Documents in the Possession or Power of such Company which he may think necessary for the Purpose of determining any Question or Questions connected with the Inspection or Examination which he is authorized to make, and may examine any Person touching any Matters connected therewith on Oath, and may administer the Oaths necessary for that Purpose.

Railways (Ireland).

A

B I L L

To amend and extend as to Railways in Ireland the Provisions of an Act of the Seventh and Eighth Years of Victoria, intituled "An Act to attach "certain Conditions to the Construc- "tion of future Railways authorized "or to be authorized by any Act of "the present or succeeding Sessions "of Parliament; and for other Pur- "poses in relation to Railways."

(*Prepared and brought in by Lord Naas, Mr. Chancellor of the Exchequer, and Mr. Hunt.*)

Ordered, by The House of Commons, *to be Printed*, 2 *August* 1867.

[Bill 298.]

Under 1 *oz.*

A

BILL

TO

Define the Duties of the Assessor of Railways in Scotland in making up the Valuation Roll of Railways, and to amend in certain respects the Valuation of Lands (Scotland) Acts.

WHEREAS an Act was passed in the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Ninety-one, intituled "An Act for the Valuation of "Lands and Heritages in Scotland," and another Act was passed in the Twentieth and Twenty-first Years of Her Majesty's Reign, Chapter Fifty-eight, intituled "An Act to amend the Act Seventeenth and Eighteenth Victoria, for the Valuation of Lands in "Scotland:" Preamble. 17 & 18 Vict. c. 91. 20 & 21 Vict.

And whereas it is expedient to farther define the Duties of the Assessor of Railways in Scotland in making up the Valuation Rolls of Railways under the first-recited Act, and to amend in certain other respects the Provisions of both the recited Acts:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal,

and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act shall be cited for all Purposes as "The Valuation of "Lands (Scotland) Amendment Act, 1867."

Definition of Term.

2. The Term "permanent Way" in this Act shall mean and include the Line or Lines of Railway, Bridges under and over the same, Viaducts, Tunnels, Fences, and Ditches along the said Lines, Signals and Apparatus connected therewith.

One Half of Expense of maintaining permanent Way of Railways to be deducted by Assessor of Railways before fixing cumulo Value of Railway.

3. In ascertaining the yearly Rent or Value in Terms of the first-recited Act of the Lands and Heritages in any Parish, County, or Burgh, belonging to or leased by any Railway Company, and forming Part of the Undertaking of such Company, One Half of the Expenses incurred in maintaining or repairing the permanent Way of Railways, and charged to Revenue in the published Accounts of such Railway Company for the Year preceding that for which the Valuation is made, shall be deemed to be Working Charges, provided that the Assessor of Railways is satisfied that such Expenses have been truly expended in maintaining or repairing the permanent Way of said Railways as aforesaid, and such Assessor, if so satisfied, shall allow such Half of said Expenses as a Deduction before the cumulo yearly Rent or Value of each Railway is fixed: Provided always, that the Cost of Repairs of Stations, Engine Houses, Workshops, Wharfs, Docks, Depôts, Counting Houses, and other Houses and Places of Business belonging to or leased by any Railway Company, and forming Part of the Undertaking of such Company, shall not be deemed to be Working Charges in Terms of this Section.

Amendment of Sect. 22. of 17 & 18 Vict. c. 91. as to Stations, &c.

4. Whereas the Twenty-second Section of the first-recited Act, in providing the Mode of ascertaining the yearly Value or Rent of the Lands and Heritages in any Parish, County, or Burgh, belonging to or leased by any Railway or Canal Company, and forming Part of the Undertaking of such Company, fixed the Deduction to be made from the cumulo yearly Value or Rent of the whole Lands and Heritages in Scotland as aforesaid of each such Railway or Canal Company, in respect of the Cost of the Stations, Wharfs, Docks, Depôts, Counting Houses, and other Houses and Places of Business in Scotland, of and connected with the Undertaking of such Company, at a Sum equal to Three Pounds per Centum of the whole Cost thereof: And whereas such Deduction was fixed at too small a Sum, and should for the future be increased: Be it enacted as follows:

The

The Twenty-second Section of the first-recited Act shall be read and construed as if the Words "Five Pounds per Centum" were substituted for the Words "Three Pounds per Centum" wherever these latter Words occur in the said Section of the said first-recited Act.

Rent of Refreshment Rooms, Book Stalls, &c. let to be entered in Valuation Roll to be made up by Local Assessor.

5. Where in any County, Parish, or Burgh any Refreshment Room, Book Stall, Cab Stand, Depôt, or other Premises situated within the statutory Limits of the Undertaking of any Railway Company, and belonging to such Company, shall have been let, the Rent received for such, from the Lessee thereof, shall not be included in the Valuation Roll to be made up by the Assessor of Railways, but the same shall be entered in the Valuation Roll made up by the Local Assessor of the County or Burgh in which the same are situated.

Separate Valuation to be assigned, if required before 1st April, to Towns and populous Places in which a General or Local Police Act is in force.

6. The Assessor of Railways shall, if required as herein-after provided, specify and assign separately the Value of those Portions of Railways included within the Limits of Burghs, Towns, or populous Places (not being Burghs in the Sense of the Twenty-seventh Section of the first-recited Act, which Section shall remain in full Force and Effect), which have adopted or shall hereafter adopt the Provisions of the Acts of the Thirteenth and Fourteenth Victoria, Chapter Thirty-three, or of the Twenty-fifth and Twenty-sixth Victoria, Chapter One hundred and one, or in which any Local Police Act is or may hereafter be in force: Provided always, that it shall not be necessary for the said Assessor to assign separately the Value of the Portions of Railways included within the Limits of any Burgh, Town, or populous Place, in Terms of this Section, unless on or before the First Day of April in each Year the Town Clerk or Clerk of the Commissioners or Trustees of Police thereof, as the Case may be, shall have required him so to assign the same; and such Town Clerk or Clerk of the Commissioners or Trustees of Police, when making such Requisition, shall be bound to state the lineal Measurement of the Portions of the Railway or Railways belonging to or leased by any Railway Company, and forming Part of the Undertaking thereof, situated within the Limits of such Burgh, Town, or populous Place, and the Assessor shall satisfy himself as to the Correctness of such Measurement; and the said Assessor, immediately on the Completion of the Valuation Roll made up by him under the recited Acts and this Act, shall transmit to each Town Clerk or Clerk of the Commissioners or Trustees of Police so requiring him as aforesaid a certified Copy of the Valuation, taken from such Valuation Roll, of the Lands and Heritages within such Burgh, Town, or populous Place, as the Case may be, belonging to or leased by and forming

Part of the Undertaking of such Company; and such Valuation relating to such Company shall be engrossed by such Town Clerk or Clerk of the Commissioners or Trustees of Police, as the Case may be, in the Roll or Book of Assessment of such Burgh, Town, or populous Place made up in Terms of the Acts of the Thirteenth and Fourteenth Victoria, Chapter Thirty-three, or of the Twenty-fifth and Twenty-sixth Victoria, Chapter One hundred and one, or of the Local Act in force in such Burgh, Town, or populous Place; and such Valuation shall be authenticated by the Signature of such Town Clerk or Clerk of the Commissioners or Trustees of Police, as the Case may be, and shall be thenceforward deemed and taken to be a Part of such Roll or Book of Assessment of such Burgh, Town, or populous Place, as the Case may be.

Valuation Roll of Railways to be open for Inspection, and Particulars may be asked in Cases of Appeal.

7. The Valuation Roll to be made up by the Assessor of Railways, while in the Hands of such Assessor, shall be patent and accessible to all Persons having Interest therein, without Payment of any Fee; and pending the Consideration of any Appeal against the Valuation of such Assessor, he shall, if required, be bound to lodge in Court, Six Days before such Appeal is to be heard, a Statement showing the Principles and Calculations on which his Valuation is founded.

Time for lodging Appeals against Assessor's Entries in Valuation Roll.

8. All Appeals against any Entry in the Valuation Rolls made up in Terms of the said recited Acts and of this Act, either by the Assessors appointed by the Commissioners of Supply of any County, or by the Magistrates of any Burgh, or by the Assessor of Railways and Canals, shall be lodged not later than the Fourth Day of September in each Year, and every such Appeal shall be heard and determined not later than the Thirtieth Day of September in each Year.

Partial Repeal of sect. 2. of 20 & 21 Vict. c. 58.

9. The Second Section of the second-recited Act is hereby repealed, except the Provisions contained in the Words "all Persons entitled to appeal against Valuations made by the Assessors appointed under the said Act shall also be entitled to appeal, under and subject to the like Rules and Regulations, against the Valuations to be made by such Officer or Officers of Inland Revenue appointed as aforesaid under this Act."

Appeal to the Lord Ordinary on the Bills from Commissioners and Magistrates.

10. All Persons dissatisfied with the Determination of the Commissioners of Supply of any County, or of the Magistrates of any Burgh, upon any Appeal made to them respectively under the recited Acts or either of them, shall be entitled, within Eight Days of the Date of such Determination, to present a Note of Appeal

Appeal against the same to the Lord Ordinary officiating on the Bills in the Court of Session; and all Proceedings before such Lord Ordinary shall be summary, and without any written Pleadings, and may be taken either in Court or at Chambers, and shall be conducted in such way as such Lord Ordinary shall prescribe or allow; and such Lord Ordinary shall, with all convenient Speed, give and subscribe his Judgment on such Note of Appeal, and shall assign the Reasons of such Judgment, and according to such Judgment (which shall be final and not subject to Review by any Court whatsoever) the Valuation which shall have been the Cause of the Appeal shall be altered or confirmed: Provided always, that the said Lord Ordinary shall have Power to dispose of and determine all Questions of Expenses, and shall also have Power to require the Assessor to state the Particulars of the Valuation in question, and the Principles upon which it was made up: Provided also, that any Expense incurred by any Assessor in such Appeal shall be deemed to be Part of the Expense of making up the Valuation Roll, in Terms of the Eighteenth Section of the first-recited Act, and shall be assessed for and levied accordingly.

Liability to Assessment not to be altered by this Act.

11. Nothing contained in this Act shall alter or affect any Classification or Power of Classification, or any Deduction or Allowances, or Power of making Deductions or Allowances from gross Rental, made or possessed by any Body, Persons or Person, entitled to impose or levy Assessments, but the same shall not affect the Value to be inserted in the Valuation Roll in Terms of this Act; and nothing contained in this Act shall exempt from or render liable to Assessment any Person or Property not previously exempt from or liable to Assessment.

Printing of Valuation Roll.

12. It shall be lawful for the Commissioners of Supply of any County, or the Magistrates of any Burgh, to resolve at any Meeting of their Number, ordinary or special, duly called, and by a Majority of those attending and voting, that the Valuation Roll of such County or Burgh for the current Year shall be printed; and the Expenses of such Printing shall be deemed to be Part of the Expenses of making up such Roll, in Terms of the Eighteenth Section of the first-recited Act, and shall be assessed for and levied accordingly: Provided always, that Notice of the Intention to move such Resolution shall be inserted in the Notice calling the Meeting at which it is to be moved.

Partial Repeal of recited Act.

13. The recited Acts, and all other Laws, Statutes, and Usages, shall be and the same are hereby repealed, in so far as necessary to give Effect to the Provisions of this Act, but in all other respects they shall remain in full Force and Effect.

14. The

Commencement of Act.

14. The First Valuation Rolls made up under the said recited Acts and this Act shall be for the Year from Whit Sunday One thousand eight hundred and sixty-seven to Whit Sunday One thousand eight hundred and sixty-eight

Railways (Scotland).

A

B I L L

To define the Duties of the Assessor of Railways in Scotland in making up the Valuation Roll of Railways, and to amend in certain respects the Valuation of Lands (Scotland) Acts.

(*Prepared and brought in by Sir Graham Montgomery and Mr. Hunt.*)

Ordered, by The House of Commons, *to be Printed,* 11 *April* 1867.

[Bill 122.]

LORDS AMENDMENTS

TO THE

RAILWAYS (SCOTLAND) BILL.

Note.—*The Page and Line refer to the Bill* (162.) *as printed by the Lords.*

Page 2.

Line 16. Leave out from ("be") to ("as") in Line 21 and insert ("allowed by the Assessor of Railways and Canals")

Line 22. After ("fixed") insert ("provided that such Assessor is satisfied that such Expenses have been truly expended in maintaining or repairing the permanent Way of each such Railway")

Line 27. Leave out ("working Charges") and insert ("Expenses to be allowed by the said Assessor")

Page 3.

Leave out Clause 5.

Line 14. After ("Railways") insert ("and Canals")

Page 4.

Lines 14 and 15. After ("Railways") insert ("and Canals")

Line 28. After ("shall") insert ("except as after provided")

Line 29. Leave out ("Fourth") and insert ("Tenth")

Line 30. After ("shall") insert ("except as aforesaid")

Page 5.

Line 4. After ("Rental") insert ("or annual Value")

Line 5. Leave out ("but the same shall not") and insert ("except that, in estimating the Amount of such Deductions or Allowances, there shall not be allowed or included therein the Proportion of the Expenses of maintaining or repairing the permanent Way of Railways to be allowed by the Assessor of Railways and Canals in Terms of Section Third of this Act, and nothing contained in this Section shall")

Line 6. After ("Roll") insert ("of Railways and Canals")

Line 28. After ("sixty-eight") insert ("Provided always, that for such Year only the Time allowed to the Assessor of Railways and Canals for making up his Valuation Roll, and transmitting Copies thereof to each Railway, Canal, and other Company, shall be and is hereby extended to the Fifteenth Day of September next; the Time for complaining to the said Assessor, or lodging a Note of Appeal to the Lord Ordinary officiating on the Bills, or to the Sheriff, as the Case may be, against any Valuation made by such Assessor, shall be and is hereby extended to the Tenth Day of October next; and the Time for hearing and determining any such Complaint or Appeal shall be and is hereby extended to the Thirtieth Day of November next")

LORDS AMENDMENTS

TO THE

RAILWAYS (SCOTLAND) BILL,

Ordered, by The House of Commons, *to be Printed*, 30 *July* 1867.

[Bill 292.] *Under* 1 *oz.*

A

BILL

TO

Explain and extend the Operation of an Act passed in the Seventeenth and Eighteenth Years of Her present Majesty, Chapter One hundred and thirteen, intituled "An Act to amend the "Law relating to the Administration of "deceased Persons."

WHEREAS by an Act passed in the Seventeenth and Eighteenth Year of Her present Majesty it is enacted, among other things, when any Person shall, after the *Thirty-first of December One thousand eight hundred and fifty-four*, die seised of or entitled to any Estate or Interest in any Land or other Hereditaments which shall at the Time of his Death be charged with the Payment of any Sum or Sums of Money by way of Mortgage, and such Person shall not, by his Will or Deed or other Document, have signified any contrary or other Intention, the Heir or Devisee to whom such Land or Hereditaments shall descend or be devised shall not be entitled to have the Mortgage Debt discharged or satisfied out of the Personal Estate or any other Real Estate of such Person, but the Land or Hereditaments so charged shall, as between the different Persons claiming through or under Preamble.

under the deceased Person, be primarily liable to the Payment of all Mortgage Debts with which the same shall be charged, every Part thereof, according to its Value, bearing a proportionate Part of the Mortgage Debts charged on the whole thereof:

And whereas upon the Construction of the said Act it has been held that any general Direction by a Testator that all his Debts shall be paid out of his Personal Estate is a sufficient Signification of an Intention contrary to the Rule established by the said Act; and it is expedient that the Operation of the said Act should be further extended:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

In construing Wills, general Direction for Payment of Debts out of Personalty not to include Mortgage Debts, unless such Intention expressly implied.

1. In the Construction of the Will of any Person who may die after the *Thirty-first Day of December One thousand eight hundred and sixty-seven*, a general Direction that the Debts or that all the Debts of the Testator shall be paid out of his Personal Estate shall not be deemed to be a Declaration of an Intention contrary to or other than the Rule established by the said Act, unless such contrary or other Intention shall be further declared by Words expressly or by necessary Implication referring to all or some of the Testator's Debts or Debt charged by way of Mortgage on any Part of his Real Estate.

Interpretation of Word "Mortgage."

2. In the Construction of the said Act and of this Act, the Word Mortgage shall be deemed to extend to any Lien for unpaid Purchase Money upon any Lands or Hereditaments purchased by a Testator.

Extent of Act.

3. This Act shall not extend to Scotland.

Real Estate Charges Act Amendment.

A

B I L L

To explain and extend the Operation of an Act passed in the Seventeenth and Eighteenth Years of Her present Majesty, Chapter One hundred and thirteen, intituled "An Act to amend "the Law relating to the Adminis- "tration of deceased Persons."

(*Prepared and brought in by Mr. Locke King, Sir Roundell Palmer, and Mr. Headlam.*)

Ordered, by The House of Commons, *to be Printed*, 3 *June* 1867.

[Bill 181.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act to facilitate the Recovery of certain Debts in the Sheriff Courts in Scotland.

[Note.—*The Words printed in Red Ink are proposed to be inserted in Committee.*]

WHEREAS an Act was passed in the First Year of the Reign of Her present Majesty, intituled "An Act for "the more effectual Recovery of Small Debts in the "Sheriff Courts, and for regulating the Establishment of Circuit "Courts for the Trial of Small Debt Causes by the Sheriffs in "Scotland;" and another Act was passed in the Session of Parliament held in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, intituled "An Act to facilitate "Procedure in the Sheriff Courts in Scotland:" Preamble. 7 W. 4. & 1 Vict. c. 41. 16 & 17 Vict. c. 80.

And whereas it is expedient to make farther Provision to facilitate the Recovery of certain Debts in the Sheriff Courts in Scotland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act shall be cited for all Purposes as the "Debts Recovery (Scotland) Act, 1867." Short Title.

2. From and after the passing of this Act, it shall be lawful for any Sheriff in Scotland, within his Sheriffdom, to hear, try, and determine, in a summary Way, as more particularly herein-after mentioned, Causes between 12*l.* and 50*l.* which may be tried under this Act.

mentioned, all Actions of Debt that may competently be brought before him, for House Maills, Men's Ordinaries, Servants Fees, Merchants Accounts, and other the like Debts, wherein the Debt shall exceed the Value of Twelve Pounds Sterling, exclusive of Expenses and Dues of Extract, but shall not exceed the Value of Fifty Pounds Sterling, exclusive as aforesaid: Provided always, that the Pursuer shall in all Cases be held to have passed from and abandoned any remaining Portion of any such Debt beyond the Sum actually concluded for in any such Action.

Proceedings to begin by Summons or Complaint, as in 7 W. 4. & 1 Vict. c. 41. s. 3.

3. All such Actions which the Pursuers thereof shall choose to have heard and determined according to the summary Mode hereby provided shall proceed upon Summons or Complaint, agreeably to the Form and subject to all the Provisions contained in the Third Section of the first-recited Act and relative Schedules, except as herein provided: Provided always, that the Summons or Complaint shall not contain and shall not constitute a Warrant to cite Witnesses or Havers.

Parties may appear by Procurators

4. In all Actions under this Act it shall be competent for the Parties or any of them to appear and plead by a Procurator of Court. And it shall be lawful and competent for Agents qualified to practice before the Court of Session to act as Agents before the Sheriff Court of Edinburgh in any Cause raised under the Authority of this Act.

Certain Sections of 7 W. 4. & 1 Vict. c. 41. incorporated with this Act.

5. The Provisions contained in the Third, Fifth, Sixth, Eighth, Ninth, Tenth, Eleventh, Twelfth, Eighteenth, Nineteenth, Twenty-first, Twenty-third, Twenty-fourth, Twenty-fifth, Twenty-sixth, Twenty-eighth, Thirty-fourth, Thirty-fifth, and Thirty-sixth Sections of the first-recited Act and relative Schedules shall be held as incorporated in the present Act, except in so far as they may be inconsistent with any of the Provisions hereof: Provided always, that the foresaid Sections of the first-recited Act shall for the Purposes of this Act be read and construed as if they expressly related to Actions of the Nature and Value set forth in the Second Section of this Act, instead of to Actions of the Nature and Value set forth in the said Sections of the first-recited Act, or in the Twenty-sixth Section of the second-recited Act, and farther that the Fifth Section of the said first-recited Act shall be read and construed as if it related expressly to the Recovery of Rents or Balances of Rents exceeding Twelve Pounds and not exceeding Fifty Pounds Sterling, and that the Tenth Section of the said Act shall be read and construed as if it related expressly to the Distribution of Funds or Subjects exceeding the Value of Twelve Pounds

and

and not exceeding the Value of Fifty Pounds Sterling, and that the counter Claims or Claims in Actions of Multiple-poinding which may be made under the Authority of this Act shall be of the Nature and Value set forth in the Second Section hereof, and that wherever in the foresaid Sections of the said first-recited Act the Words "Ordinary Small Debt Court," or "Circuit Small Debt Court," or such like Words, are used, they shall for the Purposes of this Act be held to mean and include Ordinary Courts or Circuit Courts at which Causes tried under the Authority of this Act are or may be set down for Trial: Provided also, that if any Person shall make a Claim in any Action of Multiple-poinding raised under the Authority of this Act, or a counter Claim in any other Action raised under this Act, which Claim or counter Claim, as the Case may be, is not of the Nature and Value set forth in the Second Section hereof, the Sheriff shall, if he thinks fit, remit the Action to his ordinary Roll: Provided farther, that, notwithstanding the Terms of the Sixth Section of the first-recited Act, Arrestments laid on under the Authority of this Act shall not prescribe till the Expiry of Three Years, according to the Provisions of the Twenty-second Section of an Act passed in the First and Second Years of the Reign of Her present Majesty, intituled "An Act to amend the Law of Scotland in Matters relating to Personal Diligence, Arrestments, and Poindings." 1 & 2 Vict. c. 114.

6. When the Defender who has been duly cited shall fail to appear personally or by his Procurator he shall be held confessed, and the other Party shall obtain Decree against him; and in like Manner if the Pursuer shall fail to appear personally or by his Procurator, the Defender shall obtain Decree of Absolvitor, unless in either Case a sufficient Excuse for Delay shall be stated, on which account it shall at all times be competent for the Sheriff to adjourn any Case to the next or any other Court Day, and to any Place at which he holds a Court for the Trial of Causes under this Act or any other Act, and to ordain the Parties then to attend: Provided always, that a Decree in Absence (Condemnator or Absolvitor) obtained under this Act shall be as nearly as may be in the same Form, and shall have the same Force and Effect, and be followed by the like Execution and Diligence, as a Decree in Absence obtained under the first-recited Act. Decrees in Absence, and their Effect.

7. The Provisions contained in the Sixteenth Section of the first-recited Act shall be held as incorporated in the present Act: Provided always, that it shall not be competent to insert in the Warrant for Hearing any Warrant to cite Witnesses and Havers: Provided also, that, notwithstanding the Terms of the said Sixteenth Section, Hearing in Cases of Decree in Absence.

it shall be competent for the Pursuer of any Action under the Authority of this Act, against whom Decree of Absolvitor has passed in Absence, to apply for and obtain a Warrant for Hearing at any Time within Three Calendar Months thereafter, in the same Manner and under the same Conditions as those provided in the said Sixteenth Section, and such Warrant for Hearing shall have the like Force and Effect as if obtained under the said Section.

If Case unsuitable for Summary Trial, Sheriff may remit to ordinary Roll;

8. Where both Parties shall appear, personally or otherwise, as before mentioned, at the Diet mentioned in the Summons and Complaint, or at any Adjournment thereof, or at the Diet for Hearing under the immediately preceding Section, the Sheriff shall inquire into the Nature of the Action and of the Defence thereto, and shall make a short Note of the Pleas of Parties (herein-after called the Note of Pleas), which shall form Part of the Process; and where it shall appear to the Sheriff that the Case is of such a Nature that it cannot, with due Regard to the Ends of Justice, be disposed of according to the Summary Procedure provided by this Act, he may remit the same to his ordinary Roll; and the Case, being so remitted, shall be proceeded with in the same Manner as Cases remitted under the first-recited Act from the Small Debt Roll to the ordinary Roll of the Sheriff Court are now proceeded with;

otherwise shall hear Case and give Judgment.

and it shall not be competent to take any Objection that such Case so remitted was not of the Nature or Value set forth in the Second Section hereof, but if it shall not appear to be necessary for the Ends of Justice that the Case should be remitted to the ordinary Roll, the Sheriff shall fix a Time (which shall be as early as may be) and Place for proceeding to try and determine the same, and shall ordain the Parties then to attend, and shall grant Warrant to cite Witnesses and Havers (which Warrant shall be signed by the Sheriff Clerk and shall have the same Force and Effect as if it had been contained in the Summons and Complaint); and at said Time and Place, or at some adjourned Time and Place (which Adjournment the Sheriff shall only grant when the Ends of Justice require it), the Sheriff shall proceed to hear the Parties vivâ voce, and examine Witnesses or Havers upon Oath, and may also examine the Parties, and may put them or any of them upon Oath, and, if he should see Cause, may remit to Persons of Skill to report, or to any Person competent to take and report in Writing, the Evidence of Witnesses or Havers, or the Oath of any Party who may be unable to attend, upon special Cause shown, and such Cause shall in all Cases be entered in the Book of Causes kept by the Sheriff Clerk herein-after mentioned, due Notice of the Examination being given to both Parties; and thereupon the Sheriff may pronounce Judgment, and the Judgment shall, unless appealed from as after mentioned,

tioned, be as nearly as may be in the same Form, and shall have the same Force and Effect, and be followed by the like Execution and Diligence, as a Decree obtained under the Thirteenth Section of the first-recited Act.

If required, Sheriff shall take Note of Evidence, and pronounce Findings in Law and Fact.

9. Unless required by either Party, it shall not be necessary for the Sheriff to take any Note of the Evidence or of the Facts admitted by the Parties, but upon such Requisition, which shall only be competently made before any Parole Evidence has been led, and not afterwards, he shall take a Note of the Evidence and of the Facts admitted (herein-after called the Note of Evidence), setting forth the Witnesses examined and the Testimony given by each, and the Documents adduced, and any Evidence, whether oral or written, tendered and rejected, with the Ground of such Rejection, and a Note of any Objections taken to the Admission of Evidence, whether oral or written, allowed to be received, which Note of the Evidence shall be forthwith lodged in Process; and the Sheriff Clerk shall mark the Documents admitted in Evidence, and also separately any Documents tendered and rejected; and the Diet of Proof shall not be adjourned unless on special Cause shown, which shall be set forth in the Note of Evidence at the Time of making the Adjournment: Provided always, that the Sheriff shall either take such Note with his own Hand, or may dictate it to a Clerk, or, on the Motion of either of the Parties and at the Expense of the Party or Parties so moving, to a Writer skilled in Shorthand Writing, to whom the Oath De fideli administratione officii shall be administered; and the said Shorthand Writer shall afterwards write out in full the Note of Evidence so taken by him, and the Sheriff shall certify the same as correct, and the Evidence of such Witness shall be read over to him and shall be signed by him except where it shall have been taken in Shorthand; and where the Evidence has been recorded as above provided for, the Sheriff shall pronounce and sign and date an Interlocutor, setting forth the separate Findings in Law and in Fact upon which he has proceeded in giving Judgment; and such Interlocutor shall form Part of the Process, and if not appealed from, as herein-after provided, shall be final and conclusive, and not subject to Review by any Court whatever; and the Judgment of the Sheriff shall at the Expiry of the Time allowed for Appeal herein-after mentioned, and if not appealed from during the same, be extracted, as nearly as may be, in the Mode provided in the Thirteenth Section and relative Schedule of the first-recited Act, and shall have the same Force and Effect, and be followed by the like Execution and Diligence, as a Decree obtained under the last-mentioned Section of the said first-recited Act.

 10. Where

Appeal competent only when Note of Evidence taken.

10. Where neither Party has, in the Manner above provided, required the Sheriff to take a Note of the Evidence, it shall not be competent to appeal against the Judgment which he shall pronounce, in so far as the Findings in Fact pronounced by him are concerned, and the said Findings shall be final and conclusive, and not subject to Review by any Court whatever: Provided also, that it shall not in any Case be competent to appeal until Judgment has been pronounced by the Sheriff finally disposing of the Cause, but an Appeal when taken shall have the Effect of submitting to Review all the previous Proceedings and Interlocutors.

Appeal where Case heard by Sheriff Substitute.

11. Subject to the Provisions contained in the immediately preceding Section, where the Case has been heard and the Judgment has been given by the Sheriff Substitute, it shall be competent for either Party to appeal against such Judgment to the Sheriff; and the Party who proposes to appeal against the same shall, within Eight Days, or in Cases depending before the Sheriff of Orkney and Shetland within Sixteen Days, from the Date of the Interlocutor before mentioned, engross and sign, by himself or by his Procurator, under the said Interlocutor, the Words, "I appeal against the Judgment of the Sheriff Substitute" (failing which the Judgment of the Sheriff Substitute shall be, as herein-before provided, final and conclusive, and not subject to Review by any Court whatever); and it shall be competent for the Appellant to subjoin to his Appeal at the Time of engrossing it a Note of the legal Authorities upon which he founds; and the Sheriff Clerk shall forthwith transmit to the Sheriff the Summons or Complaint, the Interlocutor of the Sheriff Substitute, the Note of Pleas, and the Note of Evidence, with the Productions made, if any, and the Sheriff shall without Delay consider the Appeal, and shall affirm or alter the Judgment of the Sheriff Substitute, and shall without Delay pronounce such Judgment as may be right, and shall set forth in an Interlocutor (which he shall transmit along with the Process to the Sheriff Clerk) the Terms of his Judgment; and if he shall have altered that of the Sheriff Substitute, he shall set forth the Findings in Fact and Law upon which he proceeded in giving Judgment: Provided always, that, if it shall seem proper, the Sheriff may order the Case to be reheard, and the Evidence in the Cause taken of new or additional Evidence therein to be taken, either before himself or before the Sheriff Substitute, or before a Commissioner if otherwise competent, with such Instructions as he shall deem right; and the Judgment of the Sheriff shall at the Expiry of the Period allowed for Appeal herein-after mentioned, and if not appealed from during the same, be extracted as nearly as may be in the same Mode, and shall have the same Force and Effect, and be followed

followed by the like Execution and Diligence, as a Decree obtained under the Thirteenth Section of the first-recited Act and relative Schedule.

Appeal where Case heard by Sheriff Depute in first instance.

12. Subject to the Provisions contained in the Tenth Section hereof, and where the Cause exceeds the Value of Twenty-five Pounds Sterling, where the Case has been heard and the Judgment pronounced by the Sheriff (and not by the Sheriff Substitute) in the first instance, it shall be competent for either Party to appeal against such Judgment to either of the Divisions of the Court of Session, and the Party who proposes to appeal against such Judgment shall, within Eight Days, or in Cases depending before the Sheriff of Orkney and Shetland within Sixteen Days, from the Date of the Sheriff's Interlocutor before mentioned, engross and sign, by himself or by his Procurator, under the said Interlocutor, the Words, "I appeal against the Judgment of the Sheriff to the "Division of the Court of Session," (failing which the Judgment of the Sheriff shall, as herein-before provided, be final and conclusive, and not subject to Review by any Court whatever); and the Sheriff Clerk shall forthwith transmit to One of the Principal Clerks of the Division to which the Appeal is taken (or to One of the Principal Clerks of the First Division if the Division is not named in the Appeal) the whole Process; and the Division shall, when the Cause is brought before them, as herein-after provided, hear the Appeal without any written Pleadings, and shall affirm or alter the Judgment of the Sheriff, and shall remit to him, or to the Sheriff Substitute, to decern accordingly, or to pronounce such other Judgment as shall seem just; and such Decree shall be extracted, as nearly as may be, in the same Mode, and shall have the same Force and Effect, and be followed by the like Execution and Diligence, as a Decree obtained under the Thirteenth Section of the first-recited Act: Provided always, that, if it shall seem proper, the Division may order the Case to be reheard, and the Evidence taken of new or additional Evidence to be taken by the Sheriff or Sheriff Substitute, with such Directions as shall seem right; and the Decree pronounced by the Sheriff or Sheriff Substitute upon such Rehearing shall be treated in all respects as if it had been pronounced by the Sheriff or Sheriff Substitute in the first instance: Provided also, that any Judgment or Order pronounced by the Division shall be final and conclusive, and not subject to Review by any Court.

Appeal where Case heard by Sheriff on Appeal from the Sheriff Substitute.

13. Where the Case has been heard by the Sheriff on Appeal, and Judgment pronounced by him as above provided for, it shall be the Duty of the Sheriff Clerk, immediately on receiving the Sheriff's Interlocutor, to transmit a Copy thereof through the Post Office

Office to the Parties or their Procurators; and within Eight Days, or within the Sheriffdom of Orkney and Shetland within Sixteen Days, after the Date of such Transmission it shall be competent for either of the Parties to appeal against his (the Sheriff's) Judgment, in the same Manner, and to the same Effect, and under the same Limitations as provided for in the immediately preceding Section with regard to Appeals from Judgments of the Sheriff in the first instance.

As to printing of Papers on Appeal to Court of Session.

14. When a Process shall be transmitted by the Sheriff Clerk to One of the Principal Clerks of either Division in the Court of Session as herein-before provided, the Clerk to whom the Process is so transmitted shall engross under the Appeal a Certificate setting forth the Date when he received the Process; and the Party insisting in the Appeal shall within Ten Days of such Date, if the Court be then sitting, or on or before the Third Sederunt Day in the next ensuing Session if the Process shall be received as aforesaid during Vacation or Recess, apply by written Note to the Lord President of the Division to which the Appeal has been taken, the presenting of which Note he shall at the same Time intimate by Letter to the Respondent or his known Agent, craving his Lordship to move the Court to order the said Appeal to the Summar Roll; and it shall be competent for such Division, before hearing such Appeal, to order the Appellant to print and box such Papers as shall be necessary, and to furnish such printed Copies thereof to the Respondent as they shall direct; and the Expense of such Printing shall, in the first instance, be borne by the Appellant, but shall afterwards be treated as Part of the general Expenses of the Appeal: Provided always, that if the Appellant shall fail to bring his Appeal before the Division, by Note as aforesaid, he shall be held to have fallen from the same, and the Process shall forthwith be re-transmitted to the Sheriff Clerk, and the Judgment complained of shall thereupon become final, and shall be treated in all respects in like Manner as if no Appeal had been taken against the same.

Book of Causes, &c. to be kept.

15. The Sheriff Clerk shall keep a Book wherein shall be entered all Causes conducted under the Authority of this Act, setting forth the Names and Designations of the Parties, and whether present or absent at the calling of the Cause, the Nature and Amount of the Claim, and Date of giving it in, the Mode of Citation, the several Deliverances or Interlocutors of the Sheriff (except those Interlocutors setting forth at length the separate Findings in Law and in Fact upon which any Judgment of the Sheriff shall have proceeded, of which Interlocutors the Dates only shall be entered in

in the Book of Causes), the Dates of Appeal, if any, and the Final Decree, with the Date thereof; which Book shall be signed each Court Day by the Sheriff; and the said Entries by the Clerk shall be according to the Schedule (A.) annexed to this Act, or with such Additions as the Sheriff shall appoint; and the Sheriff Clerk shall also keep a Book in which he shall enter, in the Form of Schedule (B.) annexed to this Act, every Cause transmitted to the Sheriff or Sheriff Substitute in order to be advised, specifying the Sheriff to whom the same has been transmitted, the Date of such Transmission, the Date of the Cause being returned advised by the Sheriff or Sheriff Substitute, the Date of intimating the Sheriff's Judgment to the Parties, the Date of transmitting the Cause or Appeal to the Court of Session, the Date of the Cause being returned advised by the Court of Session or being returned in consequence of the Appeal having fallen for want of being insisted in, and any Remarks which the Sheriff may have ordered to be entered in such Book relative to any such Cause; and the Sheriff Clerk shall further keep a Book or Books containing a Register or Registers of all Indorsations of Decrees and Warrants issued in other Counties, and of all Sequestrations and of all Reports of all Poindings and Sales of Goods and Effects under Sequestrations or Poindings, which Registers shall be open and patent at Office Hours to all concerned, without Fee; and the Sheriff Clerk shall make up a Roll of the Causes to be tried on each Court Day under this Act, separate from the Roll of Causes to be tried under the said recited Acts, and shall cause a Copy thereof to be exhibited to the Public on a Patent Part of the Court House at least One Hour before the Time of Meeting of such Court, and which shall continue there during the Time the Court shall be sitting; and the Sheriff Clerk, or an Officer of Court, shall audibly call the Causes in such Roll in their Order.

Appraisement and Sale of poinded and sequestrated Effects.

16. The Twentieth Section of the first-recited Act and relative Schedule shall be held as incorporated in the present Act: Provided always, that the Words "Poinding and Sale" in said Section and relative Schedule shall, for the Purposes of this Act, be read and construed to include Poindings on which no Sale has followed, as well as Poindings which have been followed by Sale of the poinded Goods and Effects.

Decrees, &c. not subject to Review, except as hereby provided.

17. No Interlocutor, Judgment, Order, or Decree pronounced under the Authority of this Act shall be subject to Reduction, Advocation, Suspension, or Appeal, or any other Form of Review or Stay of Diligence, except as herein provided, on any Ground whatever.

 18. The

Fees to be taken.

18. The following and no other or higher Fees or Dues of Consignation shall be allowed to be taken for any Matters done in any Cause raised under the Authority of this Act (except the Fees of Witnesses, or of Reporters or Commissioners appointed by the Sheriff under the Eighth Section hereof, which the Sheriff is hereby empowered to fix and decern for as he shall think just, and except also the Expenses incurred in any Appeal to the Court of Session, which shall be taxed and decerned for in common Form):

Sheriff Clerk's Fees.

Summons, including Precept of Arrestment, Two Shillings:
Each Copy for Service, Sixpence:
Entering in Procedure Book, Sixpence:
Warrant to cite Witnesses and Havers, One Shilling:
Certificate loosing Arrestment, One Shilling:
Bond of Caution, One Shilling and Sixpence:
Second Diligence against Witnesses and Havers, One Shilling:
Decree, including Extract, if demanded, One Shilling:
Hearing after Decree in Absence, One Shilling and Sixpence:
Indorsation of Decree or Warrant, and entering in Book, One Shilling:
Receiving Report of Sequestration or Poinding, and entering in Book, One Shilling:
Receiving Report of Sale under Sequestration or Poinding, and entering in Book, One Shilling and Sixpence:
Transmitting Process on Appeal to Sheriff, Sixpence:
Intimating Judgment of Sheriff to each Pursuer or Defender, Sixpence:
Transmiting Process on Appeal to the Court of Session, Sixpence.

Officers Fees, including Assistants or Witnesses.

Citation of a Party, or Intimation of Counter Claim and Execution, One Shilling and Sixpence:
Citation of a Witness or Haver, and Execution, Ninepence:
Charging on Decree, and returning Execution of Charge, One Shilling and Sixpence:
Arrestment, and returning Execution thereof, One Shilling and Sixpence:
Intimation of loosing Arrestment, and Execution thereof, One Shilling and Sixpence:
Poinding, Inventory and Report, including Fee to Appraisers, serving Copy and Execution, Ten Shillings:
Sale and Report, Ten Shillings:

Officer's

Officer's Travelling Expenses, for each complete Mile from the Cross or Tron, or other usual Place of Measurement in the Town or Place where the Court is held, where there is any such, or, if there be none such, then from the Court House of such Town or Place to the Place of Execution or Service, the Distance travelled in returning after Execution of the Duty not to be reckoned, Eightpence:

Assistants, each, per Mile, in the same Manner, Fourpence.

Crier's Fee.

For calling each Cause, One Penny, payable when Summons issued.

Procurators Fees, applicable either to Pursuer's or Defender's Procurator.

I.—Conduct of Cause.

1. On Decree in Absence (Absolvitor or Condemnator), and procuring Extract thereof:
   - (1.) Where the Sum concluded for (exclusive of Expenses and Dues of Extract) does not exceed Twenty-five Pounds,—Seven Shillings and Sixpence:
   - (2.) Where the Sum concluded for (exclusive of Expenses and Dues of Extract) exceeds Twenty-five Pounds, —Ten Shillings:
2. On Decree or Judgment in a contested Cause (whether the same shall have been appealed to the Sheriff or not), and procuring Extract thereof:
   - (1.) Where the Sum concluded for (exclusive of Expenses and Dues of Extract) exceeds Twelve Pounds and does not exceed Twenty Pounds, — Twenty-five Shillings:
   - (2.) Where the Sum concluded for (exclusive as aforesaid) exceeds Twenty Pounds and does not exceed Thirty Pounds,—Forty Shillings:
   - (3.) Where the Sum concluded for (exclusive as aforesaid) exceeds Thirty Pounds and does not exceed Forty Pounds,—Sixty Shillings:
   - (4.) Where the Sum concluded for (exclusive as aforesaid) exceeds Forty Pounds and does not exceed Fifty Pounds,—Eighty Shillings:
3. For Decree in Absence or in Foro in an Action of Forthcoming, Sequestration, or Multiplepoinding, same as in an ordinary Action.

The above Fees shall be exclusive of Postages and actual Outlays, but shall include the whole Sums exigible, whether as between Party

and Party or between Client and Agent, for taking Instructions to prosecute or defend the Action, instructing Officers to cite Parties or Witnesses, or to arrest on the Dependence, revising Summons and Citations and Executions, precognoscing Witnesses, attending Proofs and Debates, writing and signing Appeals, Correspondence, and generally doing everything requisite for commencing and carrying on the Action or the Defence, until final Judgment or Decree in the Sheriff Court.

II.—Execution of Diligence.

1. Where Poinding or Imprisonment has followed on the Decree, or where a Sale has followed on a Decree of Sequestration, including instructing Officer to arrest, charge, poind, sell, or imprison, revising his Executions and Reports, Correspondence, receiving Payment of Sums in Decree, and handing same over to Creditor:
   (1.) Where the Amount decerned for (exclusive of Expenses and Dues of Extract) does not exceed Twenty-five Pounds, Three per Centum on the Amount decerned for; but no Fee to be less than Nine Shillings:
   (2.) Where the Amount decerned for (exclusive of Expenses and Dues of Extract) exceeds Twenty-five Pounds, Two per Centum on the Amount decerned for; but no Fee to be less than Fifteen Shillings:
2. Where neither Poinding nor Sale nor Imprisonment has followed, One Half of the above, both with respect to the maximum and minimum Fees.

Table of Fees to be printed and hung up.

19. An exact Copy of the immediately preceding Section of this Act shall be printed on each Summons or Complaint, and on each Service Copy thereof, and shall also be at all Times hung up in every Sheriff Clerk's Office, and in every Sheriff Court Place during the holding of any Court for the Trial of Causes under the Authority of this Act; and any Sheriff Clerk from whose Office any Summons or Service Copy thereof shall be issued, not having such Copy of the said Section printed thereon, or at any Time omitting to have such Copy hung up in his Office, or in the Sheriff Court Place as aforesaid, or not causing the Roll of Causes each Court Day to be publicly exhibited, or not causing the Number and Names of the Parties in such Roll to be called in their Order as aforesaid, except with Leave of the Sheriff, upon Cause shown in open Court, shall be liable in a Penalty not exceeding Forty Shillings, to be recovered at the Instance of any Person who shall prosecute for the same, and to be disposed of as the Sheriff shall direct:

Provided

Provided always, that the Sheriff Clerk shall be bound to account for the Fees drawn by him under the Authority of this Act in the same Manner as he is now by Law bound to account for the Fees drawn by him under the Authority of the first-recited Act, but no farther or otherwise.

Court of Session to revise Table of Fees.

20. The Court of Session in Scotland shall be and is hereby authorized and empowered, after due Inquiry, by Act or by Acts of Sederunt, from Time to Time to make such Alterations as to said Court shall seem needful on the Fees and Dues hereby authorized to be taken, or to frame a new Table or Tables of Fees and Dues that shall be allowed to be taken for Matters done in contested Causes raised under the Authority of this Act, in place of the Fees and Dues herein-before specified; and when any such Alterations or any such new Table shall be made, all the Provisions herein contained relative to the Fees specified in Section Eighteen hereof shall be applicable to such altered Fees or Dues, or such new Table of Fees and Dues; and the said Court shall have like Powers to regulate the Fees payable in Appeals under this Act in the Court of Session.

Interpretation Clause.

21. In all Cases in this Act, or in the Schedules hereto annexed, the Word "Sheriff" shall be held to include Sheriff Depute and Steward Depute and Sheriff Substitute and Steward Substitute; the Words "Sheriff Substitute" to include Steward Substitute; the Words "Sheriff Court" to include and apply to the Court of the Sheriff or Steward or their Substitutes; the Words "Sheriff Clerk" to include Steward Clerk and Depute Sheriff Clerk and Depute Steward Clerk; the Word "Shire" or "County" to include Stewartry; the Word "Sheriffdom" to include and be included in the Words "Shire, County, or Stewartry;" the Word "Person" to extend to a Partnership, Body Politic, Corporate, or Collegiate, as well as an Individual; the Word "Procurator" to include a Writer to the Signet or Solicitor before the Supreme Courts entitled to act as Agent under the Provisions of the Fourth Section of this Act: Provided always, that those Words and Expressions occurring in this Clause to which more than One Meaning is attached shall not have the different Meanings given to them by this Clause in those Cases in which there is anything in the Subject or Context repugnant to such Construction.

Act not to affect recited Acts.

22. Nothing contained in this Act shall in any way affect the Provisions of the recited Acts or either of them in regard to any Proceedings which before the passing of this Act might competently take place under them.

SCHEDULE (A.)

No.	Date of Complaint.	Pursuers.	Defenders.	Nature and Amount.	How cited.	By what Officer.	Interlocutors.	Date of Appeal.	Final Decree.

SCHEDULE (B.)

TRANSMISSION BOOK TO BE KEPT BY SHERIFF CLERKS.

Names of Cause. [As A. *versus* B.]	Date of Transmission to Sheriff Substitute.	If Proof led, state whether before Sheriff, or Substitute, or Commissioner, and its Duration.	Date of Case being returned advised.	Date of Transmission to Sheriff.	Date of Case being returned advised.	Date of Intimation of Sheriff's Judgment.	Date of Transmission to Court of Session.	Date of Case being returned from Court of Session advised or Appeal fallen from.	Remarks.*

* *Note.*—Where Cases have been longer than Six Days unadvised after Transmission to the Sheriff, the Reason to be stated in this Column.
Also the Names of any Commissioners to whom Remits have been made to take Proofs.
Also whether Proof taken by Sheriff's or Commissioner's own Hand, or by being dictated to a Clerk or a Shorthand Writer.

Recovery of certain Debts (Scotland). [H.L.]

A

BILL

INTITULED

An Act to facilitate the Recovery of certain Debts in the Sheriff Courts in Scotland.

(*Brought from the Lords* 2 *July* 1867.)

Ordered, by The House of Commons, *to be Printed,* 2 *July* 1867.

[Bill 220.]

Under 2 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to facilitate the Recovery of certain Debts in the Sheriff Courts in Scotland.

WHEREAS an Act was passed in the First Year of the Reign of Her present Majesty, intituled "An Act for "the more effectual Recovery of Small Debts in the "Sheriff Courts, and for regulating the Establishment of Circuit "Courts for the Trial of Small Debt Causes by the Sheriffs in "Scotland;" and another Act was passed in the Session of Parliament held in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, intituled "An Act to facilitate "Procedure in the Sheriff Courts in Scotland:" Preamble. 7 W. 4. & 1 Vict. c. 41. 16 & 17 Vict. c. 80.

And whereas it is expedient to make farther Provision to facilitate the Recovery of certain Debts in the Sheriff Courts in Scotland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act shall be cited for all Purposes as the "Debts Recovery (Scotland) Act, 1867." Short Title.

Causes between 12*l.* and 50*l.* which may be tried under this Act.

2. From and after the passing of this Act, it shall be lawful for any Sheriff in Scotland, within his Sheriffdom, to hear, try, and determine, in a summary Way, as more particularly herein-after mentioned, all Actions of Debt that may competently be brought before him, for House Maills, Men's Ordinaries, Servants Fees, Merchants Accounts, and other the like Debts, wherein the Debt shall exceed the Value of Twelve Pounds Sterling, exclusive of Expenses and Dues of Extract, but shall not exceed the Value of Fifty Pounds Sterling, exclusive as aforesaid: Provided always, that the Pursuer shall in all Cases be held to have passed from and abandoned any remaining Portion of any such Debt beyond the Sum actually concluded for in any such Action.

Proceedings to begin by Summons or Complaint, as in 7 W. 4. & 1 Vict. c. 41. s. 3.

3. All such Actions which the Pursuers thereof shall choose to have heard and determined according to the summary Mode hereby provided shall proceed upon Summons or Complaint, agreeably to the Form and subject to all the Provisions contained in the Third Section of the first-recited Act and relative Schedules, except as herein provided: Provided always, that the Summons or Complaint shall not contain and shall not constitute a Warrant to cite Witnesses or Havers.

Parties may appear by Procurators.

4. In all Actions under this Act it shall be competent for the Parties or any of them to appear and plead personally, or by any Person bonâ fide employed by them in their usual Business, or by a Procurator of Court; and, except in Applications for Sequestration and Sale of a Tenant's Effects for Recovery of Rent, it shall be competent for Agents qualified to practise before the Court of Session to act as Procurators or Agents before the Sheriff Court of Edinburgh in any Cause exceeding the Value of Twenty-five Pounds, exclusive of Expenses and Dues of Extract raised under the Authority of this Act, so long as such Cause is not remitted to the ordinary Roll of such Sheriff Court.

Certain Sections of 7 W. 4. & 1 Vict. c. 41. incorporated with this Act.

5. The Provisions contained in the Third, Fifth, Sixth, Eighth, Ninth, Tenth, Twelfth, Eighteenth, Nineteenth, Twenty-first, Twenty-third, Twenty-fourth, Twenty-fifth, Twenty-sixth, Twenty-eighth, Thirty-fourth, Thirty-fifth, and Thirty-sixth Sections of the first-recited Act and relative Schedules shall be held as incorporated in the present Act, except in so far as they may be inconsistent with any of the Provisions hereof: Provided always, that the foresaid Sections of the first-recited Act shall for the Purposes of this Act be read and construed as if they expressly related to Actions of the Nature and Value set forth in the Second Section of this Act, instead of to Actions of the Nature and Value set

set forth in the said Sections of the first-recited Act, or in the Twenty-sixth Section of the second-recited Act, and farther that the Fifth Section of the said first-recited Act shall be read and construed as if it related expressly to the Recovery of Rents or Balances of Rents exceeding Twelve Pounds and not exceeding Fifty Pounds Sterling, and that the Tenth Section of the said Act shall be read and construed as if it related expressly to the Distribution of Funds or Subjects exceeding the Value of Twelve Pounds and not exceeding the Value of Fifty Pounds Sterling, and that the counter Claims or Claims in Actions of Multiple-poinding which may be made under the Authority of this Act shall be of the Nature and Value set forth in the Second Section hereof, and that wherever in the foresaid Sections of the said first-recited Act the Words "Ordinary Small Debt Court," or "Circuit Small Debt Court," or such like Words, are used, they shall for the Purposes of this Act be held to mean and include Ordinary Courts or Circuit Courts at which Causes tried under the Authority of this Act are or may be set down for Trial: Provided also, that if any Person shall make a Claim in any Action of Multiple-poinding raised under the Authority of this Act, or a counter Claim in any other Action raised under this Act, which Claim or counter Claim, as the Case may be, is not of the Nature and Value set forth in the Second Section hereof, the Sheriff shall, if he thinks fit, remit the Action to his ordinary Roll: Provided farther, that, notwithstanding the Terms of the Sixth Section of the first-recited Act, Arrestments laid on under the Authority of this Act shall not prescribe till the Expiry of Three Years, according to the Provisions of the Twenty-second Section of an Act passed in the First and Second Years of the Reign of Her present Majesty, intituled "An Act to amend the Law of Scotland in Matters "relating to Personal Diligence, Arrestments, and Poindings." 1 & 2 Vict. c. 114.

6. When the Defender who has been duly cited shall fail to appear he shall be held confessed, and the other Party shall obtain Decree against him; and in like Manner if the Pursuer shall fail to appear the Defender shall obtain Decree of Absolvitor, unless in either Case a sufficient Excuse for Delay shall be stated, on which account it shall at all times be competent for the Sheriff to adjourn any Case to the next or any other Court Day, and to any Place at which he holds a Court for the Trial of Causes under this Act or any other Act, and to ordain the Parties then to attend: Provided always, that a Decree in Absence (Condemnator or Absolvitor) obtained under this Act shall be as nearly as may be in the same Form, and shall have the same Force and Effect, and be followed by the like Execution Decrees in Absence, and their Effect.

and Diligence, as a Decree in Absence obtained under the first-recited Act.

Hearing in Cases of Decree in Absence.

7. The Provisions contained in the Sixteenth Section of the first-recited Act shall be held as incorporated in the present Act: Provided always, that it shall not be competent to insert in the Warrant for Hearing any Warrant to cite Witnesses and Havers: Provided also, that, notwithstanding the Terms of the said Sixteenth Section, it shall be competent for the Pursuer of any Action under the Authority of this Act, against whom Decree of Absolvitor has passed in Absence, to apply for and obtain a Warrant for Hearing at any Time within Three Calendar Months thereafter, in the same Manner and under the same Conditions as those provided in the said Sixteenth Section, and such Warrant for Hearing shall have the like Force and Effect as if obtained under the said Section.

If Case unsuitable for Summary Trial, Sheriff may remit to ordinary Roll;

otherwise shall hear Case and give Judgment.

8. Where both Parties shall appear at the Diet mentioned in the Summons and Complaint, or at any Adjournment thereof, or at the Diet for Hearing under the immediately preceding Section, the Sheriff shall inquire into the Nature of the Action and of the Defence thereto, and shall make a short Note of the Pleas of Parties (herein-after called the Note of Pleas), which shall form Part of the Process; and where it shall appear to the Sheriff that the Case is of such a Nature that it cannot, with due Regard to the Ends of Justice, be disposed of according to the Summary Procedure provided by this Act, he may remit the same to his ordinary Roll; and the Case, being so remitted, shall be proceeded with in the same Manner as Cases remitted under the first-recited Act from the Small Debt Roll to the ordinary Roll of the Sheriff Court are now proceeded with; and it shall not be competent to take any Objection that such Case so remitted was not of the Nature or Value set forth in the Second Section hereof, but if it shall not appear to be necessary for the Ends of Justice that the Case should be remitted to the ordinary Roll, the Sheriff shall fix a Time (which shall be as early as may be) and Place for proceeding to try and determine the same, and shall ordain the Parties then to attend, and shall grant Warrant to cite Witnesses and Havers (which Warrant shall be signed by the Sheriff Clerk and shall have the same Force and Effect as if it had been contained in the Summons and Complaint); and at said Time and Place, or at some adjourned Time and Place (which Adjournment the Sheriff shall only grant when the Ends of Justice require it), the Sheriff shall proceed to hear the Parties viva voce, and examine Witnesses or Havers upon Oath, and may also examine the Parties, and may put them or any of them upon Oath, and, if he should see Cause, may remit to Persons of Skill to report, or to any

any Person competent to take and report in Writing, the Evidence of Witnesses or Havers, or the Oath of any Party who may be unable to attend, upon special Cause shown, and such Cause shall in all Cases be entered in the Book of Causes kept by the Sheriff Clerk herein-after mentioned, due Notice of the Examination being given to both Parties; and thereupon the Sheriff may pronounce Judgment, and the Judgment shall, unless appealed from as after mentioned, be as nearly as may be in the same Form, and shall have the same Force and Effect, and be followed by the like Execution and Diligence, as a Decree obtained under the Thirteenth Section of the first-recited Act.

If required, Sheriff shall take Note of Evidence, and pronounce Findings in Law and Fact.

9. Unless required by either Party, it shall not be necessary for the Sheriff to take any Note of the Evidence or of the Facts admitted by the Parties, but upon such Requisition, which shall only be competently made before any Parole Evidence has been led, and not afterwards, he shall take a Note of the Evidence and of the Facts admitted (herein-after called the Note of Evidence), setting forth the Witnesses examined and the Testimony given by each, and the Documents adduced, and any Evidence, whether oral or written, tendered and rejected, with the Ground of such Rejection, and a Note of any Objections taken to the Admission of Evidence, whether oral or written, allowed to be received, which Note of the Evidence shall be forthwith lodged in Process; and the Sheriff Clerk shall mark the Documents admitted in Evidence, and also separately any Documents tendered and rejected; and the Diet of Proof shall not be adjourned unless on special Cause shown, which shall be set forth in the Note of Evidence at the Time of making the Adjournment: Provided always, that the Sheriff shall either take such Note with his own Hand, or may dictate it to a Clerk, or, on the Motion of either of the Parties and in the meantime at the Expense of the Party or Parties so moving (said Expenses to be ultimately disposed of as Expenses in the Cause), to a Writer skilled in Shorthand Writing, to whom the Oath De fideli administratione officii shall be administered; and the said Shorthand Writer shall afterwards write out in full the Note of Evidence so taken by him, and the Sheriff shall certify the same as correct, and the Evidence of such Witness shall be read over to him and shall be signed by him except where it shall have been taken in Shorthand; and where the Evidence has been recorded as above provided for, the Sheriff shall pronounce and sign and date an Interlocutor, setting forth the separate Findings in Law and in Fact upon which he has proceeded in giving Judgment; and such Interlocutor shall form Part of the Process, and if not appealed from, as herein-after provided, shall be final and conclusive, and not

subject to Review by any Court whatever; and the Judgment of the Sheriff shall at the Expiry of the Time allowed for Appeal herein-after mentioned, and if not appealed from during the same, be extracted, as nearly as may be, in the Mode provided in the Thirteenth Section and relative Schedule of the first-recited Act, and shall have the same Force and Effect, and be followed by the like Execution and Diligence, as a Decree obtained under the last-mentioned Section of the said first-recited Act.

Appeal competent only when Note of Evidence taken.

10. Where neither Party has, in the Manner above provided, required the Sheriff to take a Note of the Evidence, it shall not be competent to appeal against the Judgment which he shall pronounce, in so far as the Findings in Fact pronounced by him are concerned, and the said Findings shall be final and conclusive, and not subject to Review by any Court whatever: Provided also, that it shall not in any Case be competent to appeal until Judgment has been pronounced by the Sheriff finally disposing of the Cause, but an Appeal when taken shall have the Effect of submitting to Review all the previous Proceedings and Interlocutors.

Appeal where Case heard by Sheriff Substitute.

11. Subject to the Provisions contained in the immediately preceding Section, where the Case has been heard and the Judgment has been given by the Sheriff Substitute, it shall be competent for either Party to appeal against such Judgment to the Sheriff; and the Party who proposes to appeal against the same shall, within Eight Days, or in Cases depending before the Sheriff of Orkney and Shetland within Sixteen Days, from the Date of the Interlocutor before mentioned, engross and sign, by himself or by his Procurator, under the said Interlocutor, the Words, "I appeal against the Judgment of the Sheriff Substitute" (failing which the Judgment of the Sheriff Substitute shall be, as herein-before provided, final and conclusive, and not subject to Review by any Court whatever); and it shall be competent for the Appellant to subjoin to his Appeal at the Time of engrossing it a Note of the legal Authorities upon which he founds; and the Sheriff Clerk shall forthwith transmit to the Sheriff the Summons or Complaint, the Interlocutor of the Sheriff Substitute, the Note of Pleas, and the Note of Evidence, with the Productions made, if any, and the Sheriff shall without Delay consider the Appeal, and shall affirm or alter the Judgment of the Sheriff Substitute, and shall without Delay pronounce such Judgment as may be right, and shall set forth in an Interlocutor (which he shall transmit along with the Process to the Sheriff Clerk) the Terms of his Judgment; and if he shall have altered that of the Sheriff Substitute, he shall set forth the Findings in Fact and Law upon which he proceeded in giving Judgment:

Provided

Provided always, that, if it shall seem proper, the Sheriff may order the Case to be reheard, and the Evidence in the Cause taken of new or additional Evidence therein to be taken, either before himself or before the Sheriff Substitute, or before a Commissioner if otherwise competent, with such Instructions as he shall deem right; and the Judgment of the Sheriff shall at the Expiry of the Period allowed for Appeal herein-after mentioned, and if not appealed from during the same, be extracted as nearly as may be in the same Mode, and shall have the same Force and Effect, and be followed by the like Execution and Diligence, as a Decree obtained under the Thirteenth Section of the first-recited Act and relative Schedule.

Appeal where Case heard by Sheriff Depute in first instance.

12. Subject to the Provisions contained in the Tenth Section hereof, and where the Cause exceeds the Value of Twenty-five Pounds Sterling, where the Case has been heard and the Judgment pronounced by the Sheriff (and not by the Sheriff Substitute) in the first instance, it shall be competent for either Party to appeal against such Judgment to either of the Divisions of the Court of Session, and the Party who proposes to appeal against such Judgment shall, within Eight Days, or in Cases depending before the Sheriff of Orkney and Shetland within Sixteen Days, from the Date of the Sheriff's Interlocutor before mentioned, engross and sign, by himself or by his Procurator, under the said Interlocutor, the Words, "I appeal against the Judgment of the Sheriff to the "Division of the Court of Session," (failing which the Judgment of the Sheriff shall, as herein-before provided, be final and conclusive, and not subject to Review by any Court whatever); and the Sheriff Clerk shall forthwith transmit to One of the Principal Clerks of the Division to which the Appeal is taken (or to One of the Principal Clerks of the First Division if the Division is not named in the Appeal) the whole Process; and the Division shall, when the Cause is brought before them, as herein-after provided, hear the Appeal without any written Pleadings, and shall affirm or alter the Judgment of the Sheriff, and shall remit to him, or to the Sheriff Substitute, to decern accordingly, or to pronounce such other Judgment as shall seem just; and such Decree shall be extracted, as nearly as may be, in the same Mode, and shall have the same Force and Effect, and be followed by the like Execution and Diligence, as a Decree obtained under the Thirteenth Section of the first-recited Act: Provided always, that, if it shall seem proper, the Division may order the Case to be reheard, and the Evidence taken of new or additional Evidence to be taken by the Sheriff or Sheriff Substitute, with such Directions as shall seem right; and the Decree pronounced by the Sheriff or Sheriff Substitute upon such Rehearing

shall be treated in all respects as if it had been pronounced by the Sheriff or Sheriff Substitute in the first instance: Provided also, that any Judgment or Order pronounced by the Division shall be final and conclusive, and not subject to Review by any Court.

Appeal where Case heard by Sheriff on Appeal from the Sheriff Substitute.

13. Where the Case has been heard by the Sheriff on Appeal, and Judgment pronounced by him as above provided for, it shall be the Duty of the Sheriff Clerk, immediately on receiving the Sheriff's Interlocutor, to transmit a Copy thereof through the Post Office to the Parties or their Procurators; and within Eight Days, or within the Sheriffdom of Orkney and Shetland within Sixteen Days, after the Date of such Transmission it shall be competent for either of the Parties to appeal against his (the Sheriff's) Judgment, in the same Manner, and to the same Effect, and under the same Limitations as provided for in the immediately preceding Section with regard to Appeals from Judgments of the Sheriff in the first instance.

As to printing of Papers on Appeal to Court of Session.

14. When a Process shall be transmitted by the Sheriff Clerk to One of the Principal Clerks of either Division in the Court of Session as herein-before provided, the Clerk to whom the Process is so transmitted shall engross under the Appeal a Certificate setting forth the Date when he received the Process; and the Party insisting in the Appeal shall within Ten Days of such Date, if the Court be then sitting, or on or before the Third Sederunt Day in the next ensuing Session if the Process shall be received as aforesaid during Vacation or Recess, apply by written Note to the Lord President of the Division to which the Appeal has been taken, the presenting of which Note he shall at the same Time intimate by Letter to the Respondent or his known Agent, craving his Lordship to move the Court to order the said Appeal to the Summar Roll; and it shall be competent for such Division, before hearing such Appeal, to order the Appellant to print and box such Papers as shall be necessary, and to furnish such printed Copies thereof to the Respondent as they shall direct; and the Expense of such Printing shall, in the first instance, be borne by the Appellant, but shall afterwards be treated as Part of the general Expenses of the Appeal: Provided always, that if the Appellant shall fail to bring his Appeal before the Division, by Note as aforesaid, he shall be held to have fallen from the same, and the Process shall forthwith be re-transmitted to the Sheriff Clerk, and the Judgment complained of shall thereupon become final, and shall be treated in all respects in like Manner as if no Appeal had been taken against the same.

15. The

15. The Sheriff Clerk shall keep a Book wherein shall be entered all Causes conducted under the Authority of this Act, setting forth the Names and Designations of the Parties, and whether present or absent at the calling of the Cause, the Nature and Amount of the Claim, and Date of giving it in, the Mode of Citation, the several Deliverances or Interlocutors of the Sheriff (except those Interlocutors setting forth at length the separate Findings in Law and in Fact upon which any Judgment of the Sheriff shall have proceeded, of which Interlocutors the Dates only shall be entered in the Book of Causes), the Dates of Appeal, if any, and the Final Decree, with the Date thereof; which Book shall be signed each Court Day by the Sheriff; and the said Entries by the Clerk shall be according to the Schedule (A.) annexed to this Act, or with such Additions as the Sheriff shall appoint; and the Sheriff Clerk shall also keep a Book in which he shall enter, in the Form of Schedule (B.) annexed to this Act, every Cause transmitted to the Sheriff or Sheriff Substitute in order to be advised, specifying the Sheriff to whom the same has been transmitted, the Date of such Transmission, the Date of the Cause being returned advised by the Sheriff or Sheriff Substitute, the Date of intimating the Sheriff's Judgment to the Parties, the Date of transmitting the Cause or Appeal to the Court of Session, the Date of the Cause being returned advised by the Court of Session or being returned in consequence of the Appeal having fallen for want of being insisted in, and any Remarks which the Sheriff may have ordered to be entered in such Book relative to any such Cause; and the Sheriff Clerk shall further keep a Book or Books containing a Register or Registers of all Indorsations of Decrees and Warrants issued in other Counties, and of all Sequestrations and of all Reports of all Poindings and Sales of Goods and Effects under Sequestrations or Poindings, which Registers shall be open and patent at Office Hours to all concerned, without Fee; and the Sheriff Clerk shall make up a Roll of the Causes to be tried on each Court Day under this Act, separate from the Roll of Causes to be tried under the said recited Acts, and shall cause a Copy thereof to be exhibited to the Public on a Patent Part of the Court House at least One Hour before the Time of Meeting of such Court, and which shall continue there during the Time the Court shall be sitting; and the Sheriff Clerk, or an Officer of Court, shall audibly call the Causes in such Roll in their Order.

Book of Causes, &c. to be kept.

16. The Twentieth Section of the first-recited Act and relative Schedule shall be held as incorporated in the present Act: Provided always, that the Words "Poinding and Sale" in said Section

Appraisement and Sale of poinded and sequestrated Effects.

Section and relative Schedule shall, for the Purposes of this Act, be read and construed to include Poindings on which no Sale has followed, as well as Poindings which have been followed by Sale of the pointed Goods and Effects.

Decrees, &c. not subject to Review, except as hereby provided.

17. No Interlocutor, Judgment, Order, or Decree pronounced under the Authority of this Act shall be subject to Reduction, Advocation, Suspension, or Appeal, or any other Form of Review or Stay of Diligence, except as herein provided, on any Ground whatever.

Fees to be taken.

18. The following and no other or higher Fees or Dues of Consignation shall be allowed to be taken for any Matters done in any Cause raised under the Authority of this Act (except the Fees of Short-hand Writers or of Witnesses, or of Reporters or Commissioners appointed by the Sheriff under the Eighth Section hereof, which the Sheriff is hereby empowered to fix and decern for as he shall think just, and except also the Expenses incurred in any Appeal to the Court of Session, which shall be taxed and decerned for in common Form):

Sheriff Clerk's Fees.

Summons, including Precept of Arrestment, Two Shillings:
Each Copy for Service, Sixpence:
Entering in Procedure Book, Sixpence:
Warrant to cite Witnesses and Havers, One Shilling:
Certificate loosing Arrestment, One Shilling:
Bond of Caution, One Shilling and Sixpence:
Second Diligence against Witnesses and Havers, One Shilling:
Decree, including Extract, if demanded, One Shilling:
Hearing after Decree in Absence, One Shilling and Sixpence:
Indorsation of Decree or Warrant, and entering in Book, One Shilling:
Receiving Report of Sequestration or Poinding, and entering in Book, One Shilling:
Receiving Report of Sale under Sequestration or Poinding, and entering in Book, One Shilling and Sixpence:
Transmitting Process on Appeal to Sheriff, Sixpence:
Intimating Judgment of Sheriff to each Pursuer or Defender, Sixpence:
Transmiting Process on Appeal to the Court of Session, Sixpence.

Officers

Officers Fees, including Assistants or Witnesses.

Citation of a Party, or Intimation of Counter Claim and Execution, One Shilling and Sixpence:

Citation of a Witness or Haver, and Execution, Ninepence:

Charging on Decree, and returning Execution of Charge, One Shilling and Sixpence:

Arrestment, and returning Execution thereof, One Shilling and Sixpence:

Intimation of loosing Arrestment, and Execution thereof, One Shilling and Sixpence:

Poinding, Inventory and Report, including Fee to Appraisers, serving Copy and Execution, Ten Shillings:

Sale and Report, Ten Shillings:

Officer's Travelling Expenses, for each complete Mile from the Cross or Tron, or other usual Place of Measurement in the Town or Place where the Court is held, where there is any such, or, if there be none such, then from the Court House of such Town or Place to the Place of Execution or Service, the Distance travelled in returning after Execution of the Duty not to be reckoned, Eightpence:

Assistants, each, per Mile, in the same Manner, Fourpence.

Crier's Fee.

For calling each Cause, One Penny, payable when Summons issued.

Procurators Fees, applicable either to Pursuer's or Defender's Procurator.

I.—Conduct of Cause.

1. On Decree in Absence (Absolvitor or Condemnator), and procuring Extract thereof:
   - (1.) Where the Sum concluded for (exclusive of Expenses and Dues of Extract) does not exceed Twenty-five Pounds,—Seven Shillings and Sixpence:
   - (2.) Where the Sum concluded for (exclusive of Expenses and Dues of Extract) exceeds Twenty-five Pounds, —Ten Shillings:
2. On Decree or Judgment in a contested Cause (whether the same shall have been appealed to the Sheriff or not), and procuring Extract thereof:
   - (1.) Where the Sum concluded for (exclusive of Expenses and Dues of Extract) exceeds Twelve Pounds and does not exceed Twenty Pounds, — Thirty Shillings:

(2.) Where the Sum concluded for (exclusive as aforesaid) exceeds Twenty Pounds and does not exceed Thirty Pounds,—Forty Shillings:

(3.) Where the Sum concluded for (exclusive as aforesaid) exceeds Thirty Pounds and does not exceed Forty Pounds,—Sixty Shillings:

(4.) Where the Sum concluded for (exclusive as aforesaid) exceeds Forty Pounds and does not exceed Fifty Pounds,—Eighty Shillings:

3. For Decree in Absence or in Foro in an Action of Forthcoming, Sequestration, or Multiplepoinding, same as in an ordinary Action.

The above Fees shall be exclusive of Postages and actual Outlays, but shall include the whole Sums exigible, whether as between Party and Party or between Client and Agent, for taking Instructions to prosecute or defend the Action, instructing Officers to cite Parties or Witnesses, or to arrest on the Dependence, revising Summons and Citations and Executions, precognoscing Witnesses, attending Proofs and Debates, writing and signing Appeals, Correspondence, and generally doing everything requisite for commencing and carrying on the Action or the Defence, until final Judgment or Decree in the Sheriff Court.

II.—Execution of Diligence.

1. Where Poinding or Imprisonment has followed on the Decree, or where a Sale has followed on a Decree of Sequestration, including instructing Officer to arrest, charge, poind, sell, or imprison, revising his Executions and Reports, Correspondence, receiving Payment of Sums in Decree, and handing same over to Creditor:

(1.) Where the Amount decerned for (exclusive of Expenses and Dues of Extract) does not exceed Twenty-five Pounds, Three per Centum on the Amount decerned for; but no Fee to be less than Nine Shillings:

(2.) Where the Amount decerned for (exclusive of Expenses and Dues of Extract) exceeds Twenty-five Pounds, Two per Centum on the Amount decerned for; but no Fee to be less than Fifteen Shillings:

2. Where neither Poinding nor Sale nor Imprisonment has followed, One Half of the above, both with respect to the maximum and minimum Fees: Provided always, that where any Cause shall have been conducted, under the Fourth Section hereof, partly by a Solicitor at Law and partly by a Writer

Writer to the Signet or Solicitor before the Supreme Courts, the Sheriff shall determine what Portion of said Fees shall be payable to each of the Agents or Procurators who shall have been so engaged in the Cause, and the Sheriff's Determination shall be final.

Table of Fees to be printed and hung up.

19. An exact Copy of the immediately preceding Section of this Act shall be at all Times hung up in every Sheriff Clerk's Office, and in every Sheriff Court Place during the holding of any Court for the Trial of Causes under the Authority of this Act; and any Sheriff Clerk at any Time omitting to have such Copy hung up in his Office, or in the Sheriff Court Place as aforesaid, or not causing the Roll of Causes each Court Day to be publicly exhibited, or not causing the Number and Names of the Parties in such Roll to be called in their Order as aforesaid, except with Leave of the Sheriff, upon Cause shown in open Court, shall be liable in a Penalty not exceeding Forty Shillings, to be recovered at the Instance of any Person who shall prosecute for the same, and to be disposed of as the Sheriff shall direct: Provided always, that the Sheriff Clerk shall be bound to account for the Fees drawn by him under the Authority of this Act in the same Manner as he is now by Law bound to account for the Fees drawn by him under the Authority of the first-recited Act, but no farther or otherwise.

Court of Session to revise Table of Fees.

20. The Court of Session in Scotland shall be and is hereby authorized and empowered, after due Inquiry, by Act or by Acts of Sederunt, from Time to Time to make such Alterations by way of Increase or Decrease as to said Court shall seem needful on the Fees and Dues hereby authorized to be taken, or to frame a new Table or Tables of Fees and Dues that shall be allowed to be taken for Matters done in contested Causes raised under the Authority of this Act, in place of the Fees and Dues herein-before specified; and when any such Alterations or any such new Table shall be made, all the Provisions herein contained relative to the Fees specified in Section Eighteen hereof shall be applicable to such altered Fees or Dues, or such new Table of Fees and Dues; and the said Court shall have like Powers to regulate the Fees payable in Appeals under this Act in the Court of Session.

Interpretation Clause.

21. In all Cases in this Act, or in the Schedules hereto annexed, the Word "Sheriff" shall be held to include Sheriff Depute and Steward Depute and Sheriff Substitute and Steward Substitute; the Words "Sheriff Substitute" to include Steward Substitute; the Words "Sheriff Court" to include and apply to the Court of the

Sheriff or Steward or their Substitutes; the Words "Sheriff Clerk" to include Steward Clerk and Depute Sheriff Clerk and Depute Steward Clerk; the Word "Shire" or "County" to include Stewartry; the Word "Sheriffdom" to include and be included in the Words "Shire, County, or Stewartry;" the Word "Person" to extend to a Partnership, Body Politic, Corporate, or Collegiate, as well as an Individual; the Word "Procurator" to include a Writer to the Signet or Solicitor before the Supreme Courts entitled to act as Agent under the Provisions of the Fourth Section of this Act: Provided always, that those Words and Expressions occurring in this Clause to which more than One Meaning is attached shall not have the different Meanings given to them by this Clause in those Cases in which there is anything in the Subject or Context repugnant to such Construction.

Act not to affect recited Acts.

22. Nothing contained in this Act shall in any way affect the Provisions of the recited Acts or either of them in regard to any Proceedings which before the passing of this Act might competently take place under them.

Clause A. As to Payment of Stamp Duty upon Indentures of Apprenticeship to Procurators.

23. Whereas by Section Thirty-four of an Act passed in the Twenty-fourth and Twenty-fifth Years of Her Majesty's Reign, Chapter Ninety-one, it is provided that no Deed or Instrument liable to Stamp Duty shall be registered unless the same is duly stamped: And whereas by Section Nine of an Act passed in the Twenty-eighth and Twenty-ninth Years of Her Majesty's Reign, Chapter Eighty-five, it is provided that every Indenture entered into after the passing of the said Act with the Intention of qualifying an Apprentice for Admission as a Procurator as therein mentioned shall be recorded in the Register of Probative Writs of the County where the same shall have been entered into within Six Months from the Date fixed for the Commencement of the Term of Apprenticeship: And whereas such an Indenture as is referred to in the last-mentioned Act is liable to a Stamp Duty of Thirty Pounds, and it is considered that the Payment of so large a Sum at the Time of the Commencement of the Apprenticeship operates harshly and prejudicially: Be it enacted, That the Sum of Two Shillings and Sixpence, in part of the said Stamp Duty of Thirty Pounds, shall be paid upon the Execution of any such Indenture of Apprenticeship, and that the same Indenture, if bearing a Stamp Duty of Two Shillings and Sixpence, shall be deemed to be duly stamped for the Purpose of the recording thereof in the proper Register of Probative Writs, and also for the Purpose of enforcing all the Obligations therein contained, and that the Sum of Twenty-nine Pounds Seventeen

Seventeen Shillings and Sixpence, being the Residue of the said Stamp Duty of Thirty Pounds, shall be paid upon the Admission of the Apprentice as a Procurator in addition to the Stamp Duty payable in respect of such Admission.

SCHEDULE (A.)

No.	Date of Complaint.	Pursuers.	Defenders.	Nature and Amount.	How cited.	By what Officer.	Interlocutors.	Date of Appeal.	Final Decree.

SCHEDULE (B.)

TRANSMISSION BOOK TO BE KEPT BY SHERIFF CLERKS.

Names of Cause. [As A. *versus* B.]	Date of Transmission to Sheriff Substitute.	If Proof led, state whether before Sheriff, or Substitute, or Commissioner, and its Duration.	Date of Case being returned advised.	Date of Transmission to Sheriff.	Date of Case being returned advised.	Date of Intimation of Sheriff's Judgment.	Date of Transmission to Court of Session.	Date of Case being returned from Court of Session advised or Appeal fallen from.	Remarks.*

* *Note.*—Where Cases have been longer than Six Days unadvised after Transmission to the Sheriff, the Reason to be stated in this Column.
Also the Names of any Commissioners to whom Remits have been made to take Proofs.
Also whether Proof taken by Sheriff's or Commissioner's own Hand, or by being dictated to a Clerk or a Shorthand Writer.

Recovery of certain Debts (Scotland). [H.L.]

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to facilitate the Recovery of certain Debts in the Sheriff Courts in Scotland.

(*Brought from the Lords* 2 *July* 1867.)

Ordered, by The House of Commons, *to be Printed*, 2 *August* 1867.

[Bill 296.]

Under 3 *oz.*

A

BILL

FOR

Facilitating the Acquisition and Enjoyment of Sites for Buildings for Religious, Educational, Literary, Scientific, and other Charitable Purposes.

WHEREAS it is expedient to afford greater Facilities for the Acquisition and Enjoyment by Societies or Bodies of Persons associated together for Religious, Educational, Literary, Scientific, or other Charitable or Benevolent Purposes, of Pieces of Land as Sites for Buildings for such Purposes: Preamble.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. All Alienations, Grants, Conveyances, Leases, Assurances, Surrenders, or other Dispositions bonâ fide made after the passing of this Act, to a Trustee or Trustees, on behalf of any Society or Body of Persons associated together for Religious Purposes, or for the Promotion of Education, Arts, Literature, Science, or other Charitable or Benevolent Purposes, of Pieces of Land or any Interest therein, for the Erection thereon of a Building for such Purposes or any of them, or whereon a Building for such Purposes Grants of Land for Buildings for Religious and certain other Purposes to be exempt from 9 G. 2. c. 36.

 or

or any of them shall have been erected, shall be exempt from the Provisions of an Act passed in the Ninth Year of the Reign of King George the Second, and intituled "An Act to restrain "the Disposition of Lands whereby the same become unalienable:" Provided that such Alienation, Grant, Conveyance, Lease, Assurance, Surrender, or other Disposition shall have been really made for a full and valuable Consideration actually paid upon or before the making of such Alienation, Grant, Conveyance, Lease, Assurance, Surrender, or other Disposition, or reserved by way of Rent, Rentcharge, or other annual Payment, or partly paid and partly reserved as aforesaid, without Fraud or Collusion, and provided that each such Piece of Land shall not exceed Two Acres in Extent.

Religious, &c. Buildings (Sites).

A

BILL

For facilitating the Acquisition and Enjoyment of Sites for Buildings for Religious, Educational, Literary, Scientific, and other Charitable Purposes.

(*Prepared and brought in by Mr. Hadfield, Mr. Bazley, Mr. Akroyd, and Mr. Leeman.*)

Ordered, by The House of Commons, *to be Printed*, 1 *March* 1867.

[Bill 64.]

Under 1 *oz.*

Representation of the People Bill.

ARRANGEMENT OF CLAUSES.

Clause.

Preamble.

1. Short Title of Act.
2. Application of Act.

PART I.

FRANCHISES.

3. Occupation Franchise for Voters in Boroughs.
4. Occupation Franchise for Voters in Counties.
5. Educational Franchises for Voters in Counties and Boroughs.
6. Pecuniary Franchises for Voters in Counties and Boroughs.
7. Second Vote in certain Cases.

PART II.

DISTRIBUTION OF SEATS.

8. Disfranchisement of certain Boroughs.
9. Certain Boroughs to return One Member only.
10. New Boroughs to return One Member each.
11. Register of Voters to be formed for new Boroughs.
12. Division of the Tower Hamlets.
13. Registers of Voters to be formed for the Tower Hamlets.
14. Division of certain Counties.
15. University of London to return One Member.
16. Electors for Members of the University of London.

PART III.

Supplemental Provisions.

Incidents of Franchise.

Clause.
17. Successive Occupation.
18. Joint Occupation in Counties.

Registration of Voters.

19. Registration of Voters.
20. Penalty for Refusal of Certificates.
21. Offences in respect of false Certificates.

Places for Election, and Polling Places.

22. Courts for the Election of Members for Counties.
23. Provision for increasing Polling Places in Counties.
24. Rooms to be hired wherever they can be obtained.

Election in University of London.

25. Vice Chancellor of University of London to be the Returning Officer.
26. Elections for University of London to be within Six Days after Receipt of Writ, Three clear Days Notice being given.
27. Polling at University of London may continue Three Days.
28. Provision for Appointment of Pro-Vice Chancellors and Poll Clerks to conduct the Poll in the University of London.

Voting Papers.

29. Electors may vote by Voting Papers.

Miscellaneous.

30. Returning Officer in a new Borough.
31. Inclosure Commissioners to appoint Assistant Commissioners to examine Boundaries of new Boroughs, and report if Enlargement necessary.
32. Polling Booths at which certain Voters are to poll.
33. Repeal of Proviso to 6 Vict. c. 18.
34. Occupier may claim to be rated in order to acquire the Franchise.
35. First

Clause.
35. First Registration of Occupiers.
36. Corrupt Payment of Rates to be punishable as Bribery.
37. Members holding Offices of Profit from the Crown not required to vacate their Seats on Acceptance of another Office.
38. Provision in case of separate Registers.
39. Temporary Provisions consequent on Formation of new Boroughs.
40. General Saving Clause.
41. Writs, &c. to be made conformable to this Act.
42. Construction of Act.
43. Interpretation of Terms.

SCHEDULES.

A

BILL

FURTHER

To amend the Laws relating to the Representation of the People in England and Wales.

WHEREAS it is expedient to amend the Laws relating to the Representation of the People in England and Wales: Preamble.

Be it further enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act shall be cited for all Purposes as "The Representation of the People Act, 1867." Short Title of Act.

2. This Act shall not apply to Scotland or Ireland, nor to the Universities of Oxford or Cambridge. Application of Act.

PART I.

Franchises.

3. Every Man shall be entitled to be registered as a Voter, and, when registered, to vote for a Member or Members to serve in Parliament Occupation Franchise for Voters in Boroughs.

Parliament for a Borough, who is qualified as follows; that is to say:

1. Is of full Age, and not subject to any legal Incapacity; and
2. Is on the *last Day of July* in any Year and has during the whole of the preceding *Two* Years been an Inhabitant Occupier, as Owner or Tenant, of any Dwelling House within the Borough; and
3. Has during the Time of such Occupation been rated in respect of the Premises so occupied by him within the Borough to all Rates (if any) made for the Relief of the Poor in respect of such Premises; and
4. Has before the *Twentieth Day of July* in the same Year paid all Poor Rates that have become payable by him in respect of the said Premises up to the preceding *Fifth Day of January*.

Occupation Franchise for Voters in Counties.

4. Every Man shall be entitled to be registered as a Voter, and, when registered, to vote for a Member or Members to serve in Parliament for a County, who is qualified as follows; that is to say:

1. Is of full Age, and not subject to any legal Incapacity; and
2. Is on the *last Day of July* in any Year and has during the *Twelve Months* immediately preceding been the Occupier, as Owner or Tenant, of Premises of any Tenure within the County of the rateable Value of *Fifteen Pounds* or upwards; and
3. Has during the Time of such Occupation been rated in respect to the Premises so occupied by him to all Rates (if any) made for the Relief of the Poor in respect of the said Premises; and
4. Has before the *Twentieth Day of July* in the same Year paid all Poor Rates that have become payable by him in respect of the said Premises up to the preceding *Fifth Day of January*.

Educational Franchises for Voters in Counties and Boroughs.

5. Every Man shall be entitled to be registered, and, when registered, to vote at the Election of a Member or Members to serve in Parliament for a County or Borough, who is of full Age, and not subject to any legal Incapacity, and is on the *last Day of July* in any Year and has during the Year immediately preceding been resident in such County or Borough, and is possessed of any One or more of the Qualifications following; that is to say:

1. Is, and has been during the Period of such Residence, a Graduate or Associate in Arts of any University of the United Kingdom; or a Male Person who has passed at any

any Senior Middle Class Examination of any University of the United Kingdom:

2. Is, and has been during the Period aforesaid, an ordained Priest or Deacon of the Church of England; or
3. Is, and has been during the Period aforesaid, a Minister of any other Religious Denomination appointed either alone or with not more than One Colleague to the Charge of any registered Chapel or Place of Worship, and is, and has been during such Period, officiating as the Minister thereof; or
4. Is, and has been during the Period aforesaid, a Serjeant-at-Law or Barrister-at-Law in any of the Inns of Court in England, or a Certificated Pleader or Certificated Conveyancer; or
5. Is, and has been during the Period aforesaid, a Certificated Attorney or Solicitor or Proctor in England or Wales; or
6. Is, and has been during the Period aforesaid, a duly qualified Medical Practitioner registered under the Medical Act, 1858; or
7. Is, and has been during the Period aforesaid, a Schoolmaster holding a Certificate from the Committee of Her Majesty's Council on Education:

Provided that no Person shall be entitled to be registered as a Voter or to vote in respect of any of the Qualifications mentioned in this Section in more than One Place.

Pecuniary Franchises for Voters in Counties and Boroughs.

6. Every Man shall be entitled to be registered, and, when registered, to vote at the Election of a Member or Members to serve in Parliament for a County or Borough, who is of full Age, and not subject to any legal Incapacity, and is on the *First Day of July* in any Year and has during the *Two Years* immediately preceding been resident in such County or Borough, and is possessed of any One or more of the Qualifications following; that is to say:

1. Has on the *First Day of July* in any Year, and has had during the *Two Years* immediately preceding, a Balance of not less than *Fifty Pounds* deposited in some Savings Bank in his own sole Name and for his own Use; or
2. Holds on the *First Day of July* in any Year, and has held during the *Two Years* immediately preceding, in the Books of the Governor and Company of the Bank of England or Ireland in his own sole Name and for his own Use any Parliamentary Stocks or Funds of the United Kingdom to the Amount of not less than *Fifty Pounds;* or
3. Has during the *Twelve Months* immediately preceding the Fifth Day of April in any Year been charged with a Sum of not less than *Twenty Shillings* in the whole by the Year for Assessed Taxes and Income Tax, or either of such Taxes,

and has before the *Twentieth Day of July* in that Year paid all such Taxes due from him up to the preceding *Fifth Day of January:*

Provided, first, that every Person entitled to vote in respect of any of the Qualifications mentioned in this Section shall on or before the Twentieth Day of July in each Year claim to be registered as a Voter; secondly, that no Person shall be entitled to be registered as a Voter or to vote in respect of any of the Qualifications mentioned in this Section for more than One Place.

Second Vote in certain Cases.

7. A Person registered as a Voter for a Borough by reason of his having been charged with and paid the requisite Amount of Assessed Taxes and Income Tax, or either of such Taxes, shall not by reason of being so registered lose any Right to which he may be entitled (if otherwise duly qualified) to be registered as a Voter for the same Borough in respect of any Franchise involving Occupation of Premises and Payment of Rates, and when so registered in respect of such double Qualification he shall be entitled to give Two Votes for the Member, or (if there be more than One) for each Member to be returned to serve in Parliament for the said Borough.

PART II.

Distribution of Seats.

Disfranchisement of certain Boroughs.

8. From and after the End of this present Parliament the Boroughs of Totnes, Reigate, Great Yarmouth, and Lancaster shall respectively cease to return any Member or Members to serve in Parliament.

Certain Boroughs to return One Member only.

9. From and after the End of this present Parliament each of the Boroughs enumerated in Schedule (A.) to this Act annexed shall return One Member and no more to serve in Parliament.

New Boroughs to return One Member each.

10. Each of the Places named in Schedule (B.) to this Act annexed shall be a Borough, and shall each return One Member to serve in future Parliaments, and until otherwise directed by Parliament each such Borough shall comprise such Places as are specified and described in connexion with the Name of each such Borough in the said Schedule (B.)

11. Registers

11. Registers of Voters shall be formed in and after the Year *One thousand eight hundred and sixty-eight*, notwithstanding the Continuance of this present Parliament, for or in respect of the Boroughs constituted by this Act, in like Manner as if before the passing of this Act they respectively had been Boroughs returning Members to serve in Parliament. Register of Voters to be formed for new Boroughs.

12. From and after the End of the present Parliament the Borough of the Tower Hamlets shall be divided into Two Divisions, and each Division shall in all future Parliaments be a separate Borough, returning Two Members to serve in Parliament. Division of the Tower Hamlets.

Each of the said Divisions, until otherwise directed by Parliament, shall comprise the Places mentioned in connexion with each such Division in Schedule (C.) hereto annexed, and shall be called by the Name of the Northern and Southern Division of the Tower Hamlets respectively.

13. Registers of Voters shall be formed in and after the Year *One thousand eight hundred and sixty-eight*, notwithstanding the Continuance of this present Parliament, in respect of the Divisions of the said Borough of the Tower Hamlets constituted under this Act, in like Manner as if such Divisions had previously to the passing of this Act been separate Boroughs returning Members to serve in Parliament. Registers of Voters to be formed for the Tower Hamlets.

14. From and after the End of the present Parliament each County named in the First Column of Schedule (D.) to this Act annexed shall be divided into the Two Divisions named in the Second Column of the said Schedule, and each of such Divisions shall consist of the Hundreds, Lathes, Wapentakes, and Places mentioned in the Third Column of the said Schedule. Division of certain Counties.

In all future Parliaments there shall be Two Members to serve for each of the Divisions specified in the said Second Column, and such Members shall be chosen in the same Manner, and by the same Description of Voters, and in respect of the same Rights of voting, as if each such Division were a separate County.

All Enactments relating to Divisions of Counties returning Members to serve in Parliament shall be deemed to apply to the Divisions constituted as aforesaid.

Registers of Voters shall be formed in and after the Year *One thousand eight hundred and sixty-eight*, notwithstanding the Continuance of this present Parliament, for or in respect of the Divisions of Counties constituted by this Act, in like Manner as if before the passing of this Act they had respectively been Counties returning Members to serve in Parliament.

University of London to return OneMember.

15. In all future Parliaments the University of London shall return One Member to serve in Parliament.

Electors for Members of the University of London.

16. Every Person whose Name is for the Time being on the Register of Graduates constituting the Convocation of the University of London shall, if of full Age, and not subject to any legal Incapacity, be entitled to vote in the Election of a Member to serve in any future Parliament for the said University.

PART III.

Supplemental Provisions.

Incidents of Franchise.

Successive Occupation.

17. Different Premises occupied in succession by any Person as Owner or Tenant shall have the same Effect in qualifying such Person to vote for a County or Borough as a continued Occupation of the same Premises.

Joint Occupation in Counties.

18. In a County where Premises are in the joint Occupation of several Persons as Owners or Tenants, and the aggregate rateable Value of such Premises is such as would, if divided amongst the several Occupiers, so far as the Value is concerned, confer on each of them a Vote, then each of such joint Occupiers shall, if otherwise qualified, and subject to the Conditions of this Act, be entitled to be registered as a Voter, and when registered to vote at an Election for the County.

Registration of Voters.

Registration of Voters.

19. The following Regulations shall be observed with respect to the Registration of Voters:

1. The Overseers of every Parish or Township shall make out or cause to be made out a List of all Persons on whom a Right to vote in respect of the Occupation of Premises is conferred by this Act, in the same Manner and subject to the same Regulations, as nearly as Circumstances admit, in and subject to which the Overseers of Parishes and Townships in Boroughs are required by the Registration Acts to make out or cause to be made out a List of all Persons entitled to vote for a Member or Members for a Borough in respect of the Occupation of Premises of a clear yearly Value of not less than Ten Pounds:
2. The Claim of any Person desirous of being registered as a Voter for any County or Borough, and herein-before required

quired to make a Claim, shall be made in the Form marked 1. in Schedule (E.) annexed hereto, or as near thereto as Circumstances admit:

3. The Claim of a Person claiming to be registered in respect of a Deposit in a Savings Bank shall not be received by the Overseers unless it have annexed thereto a Certificate in the Form marked 2. in the said Schedule, or as near thereto as Circumstances will admit, and is signed, in the Case of a Post Office Savings Bank, by some Officer authorized to sign the same by the Postmaster General, and in the Case of any other Savings Bank by Two of the Trustees or Managers of such Savings Bank, or by some Officer authorized by them:

4. The Claim of any Person claiming to be registered in respect of the holding of any Parliamentary Stocks or Funds of the United Kingdom to an Amount of not less than *Fifty Pounds* shall not be received by the Overseers unless it have annexed thereto a Certificate in the Form marked 3. in the said Schedule, or as near thereto as Circumstances admit, and signed by an Officer of the Governor and Company of the Bank of England, or, as the Case may require, by an Officer of the Governor and Company of the Bank of Ireland:

5. The Claim of any Person claiming to be registered in respect of the Payment of Assessed Taxes and Income Tax, or either of such Taxes, shall not be received unless it have annexed thereto a Certificate in the Form marked 4. in the said Schedule, or as near thereto as Circumstances admit, and signed by One of the Commissioners or Collectors acting in relation to the Tax in respect of which such Certificate is required:

6. The Overseers of Parishes and Townships in Counties and Boroughs shall annually give notice directing all Persons who are required by this Act to make their Claim to send in their Claims to them, such Notice to be given in the same Manner, so far as Circumstances admit, in which Overseers give notice in Counties under the Law in force at the Time of the passing of this Act to Persons desirous of being placed on the List of County Voters:

7. Upon the Receipt of a Claim by any such Person as aforesaid, having annexed thereto such Certificates as aforesaid, the Overseers may make all such Objections to the Claim so made as Overseers in Counties are empowered to make on receiving Claims of Voters, but subject thereto shall place the Claimant on the List of Voters

for the Parish or Township in which the Residence of the Voter is situate.

Penalty for Refusal of Certificates.

20. If any Person whose Certificate is required under this Act in support of the Claim of a Person to vote wilfully refuses to give such Certificate, he shall on summary Conviction be liable to a Penalty not exceeding *Five Pounds*.

Offences in respect of false Certificates.

21. If any Person is guilty of any of the following Offences, that is to say,—

1. Wilfully gives any Certificate required by this Act falsely;
2. Forges, counterfeits, or fraudulently alters any such Certificate, or any Signature thereto;
3. Knowingly makes use of, in support of a Claim to be registered or to vote, any false Certificate, or any Certificate forged, counterfeited, or altered as aforesaid;

Such Person shall be guilty of a Misdemeanor, and on being convicted thereof shall be liable to Imprisonment, with or without Hard Labour, for a Term not exceeding *Two Years*.

Places for Election, and Polling Places.

Courts for the Election of Members for Counties.

22. The Court for the Election of Members for each of the Divisions mentioned in the Second Column of the said Schedule (D.) shall be holden at the Places named for that Purpose in the Fourth Column of the same Schedule.

Provision for increasing Polling Places in Counties.

23. In every County the Justices of the Peace having Jurisdiction therein, assembled at some Court of General or Quarter Sessions not later than the first holden after the Dissolution of the present Parliament, shall appoint proper and convenient Places for polling in their County, so that there may be a Polling Place in every Parish or Township in which there are not less than *Two hundred* resident Electors, and a Polling Place for every Two or more adjoining Parishes or Townships in either of which separately there may be less than *Two hundred* resident Electors, at some central or convenient Point at which as nearly as possible *Two hundred* Voters from such smaller Parishes or Townships may most conveniently attend to record their Votes; and the Places so selected by the Justices as the future Polling Places of the County shall forthwith be duly advertised in such Manner as the Justices think fit; and the said Justices may from Time to Time at any Court of General or Quarter Sessions alter such Polling Places as they may think expedient; but it shall not be incumbent upon any Revising Barrister to attend at any Polling Place at which less than *Five hundred* Voters are appointed to poll.

24. At

24. At every contested Election for any County, unless some Building or Place belonging to the County is provided by the Justices for that Purpose, the Sheriff shall, whenever it is practicable so to do, instead of erecting a Booth, hire a Building or Room for the Purpose of taking the Poll at the Places so appointed by the Justices as aforesaid; and the Expense incurred by the said Sheriff in the Hire of Rooms, or erecting Booths for Polling, shall be paid to him by the Justices for such County out of the County Rate.

Rooms to be hired wherever they can be obtained.

Where in any Place there is any Room, the Expense of maintaining which is payable out of any Rates levied in such Place, such Room may, with the Consent of the Person or Corporation having the Control over the same, be used for the Purpose of taking the Poll at such Place.

Election in University of London.

25. The Vice Chancellor of the University of London shall be the Returning Officer for such University, and the Writ for any Election of a Member to serve in Parliament for such University shall be directed to such Vice Chancellor.

Vice Chancellor of University of London to be the Returning Officer.

26. The Vice Chancellor of the University of London shall proceed to Election in pursuance of any Writ to be directed to him, as herein-before mentioned, within *Six* Days after the Receipt of such Writ, giving *Three* clear Days Notice of the Day and Place of Election, exclusive of the Day of Proclamation and the Day of Election; and the Vice Chancellor shall, after such Election, certify the same, together with such Writ, according to the Directions thereof.

Elections for University of London to be within Six Days after Receipt of Writ, Three clear Days Notice being given.

27. At every contested Election of a Member or Members to serve in Parliament for the University of London the Polling shall commence at *Eight* o'Clock in the Morning of the Day next following the Day fixed for the Election, and may continue for not more than *Three* Days, Sunday, Christmas Day, and Good Friday being excluded, but no Poll shall be kept open later than *Four* o'Clock in the Afternoon.

Polling at University of London may continue Three Days.

28. At every Election of a Member to serve in Parliament for the University of London the Vice Chancellor shall appoint the Polling Place, and also shall have Power to appoint Two or more Pro-Vice Chancellors, any One of whom may receive the Votes and decide upon all Questions during the Absence of such Vice Chancellor, and such Vice Chancellor shall have Power to appoint Poll Clerks and other Officers, by One or more of whom the Votes may be entered

Provision for Appointment of Pro-Vice Chancellors and Poll Clerks to conduct the Poll in the University of London.

in the Poll Book or such Number of Poll Books as may be judged necessary by such Vice Chancellor; and such Vice Chancellor shall, not later than Two o'Clock in the Afternoon of the Day next following the Close of the Poll, openly declare the State of the Poll and make Proclamation of the Member chosen.

Voting Papers.

Electors may vote by Voting Papers.

29. Any Elector may give his Vote by a Voting Paper in the same Manner and subject to the same Conditions in and subject to which an Elector of any of the Universities of Oxford, Cambridge, or Dublin may give his Vote, and all the Provisions of the Act of the Session of the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, Chapter Fifty-three, shall, with the requisite Variations, apply accordingly; and in construing the said Act "the Returning Officer" shall be substituted for "the Vice Chancellor of the University," and the Expression "University" shall be taken to mean the County or Borough for which the Elector votes.

Miscellaneous.

Returning Officer in a new Borough.

30. In any Borough named in Schedules (B.) and (C.) to this Act annexed, which is or includes a Municipal Borough, the Mayor of such Municipal Borough shall be the Returning Officer, and in the other Cases the Returning Officer shall be appointed in the same Manner as if such Places were included amongst the Boroughs mentioned in Schedules (C.) and (D.) of the Act of the Second Year of His late Majesty William the Fourth, Chapter Forty-five, for which no Persons are mentioned in such Schedules as Returning Officers.

Inclosure Commissioners to appoint Assistant Commissioners to examine Boundaries of new Boroughs, and report if Enlargement necessary.

31. The following Persons, that is to say,

shall be appointed Boundary Commissioners for England and Wales, and they shall, immediately after the passing of this Act, name special Assistant Commissioners, who shall examine the Boundaries of the Boroughs constituted by this Act, (including the Divisions

of

of the Borough of the Tower Hamlets,) and of every other Borough in England and Wales.

The Assistant Commissioners so appointed shall give Notice, by public Advertisement, of their Intention to visit such Boroughs, and shall appoint a Time for receiving the Statements of any Persons who may be desirous of giving Information as to the Boundaries or other local Circumstances of such Boroughs, and shall, by personal Inspection and such other Means as they shall think necessary, possess themselves of such Information as will enable them to make such Report and Recommendation as herein-after mentioned.

Upon the Completion of such Examination by the said Assistant Commissioners, the Inclosure Commissioners shall report to One of Her Majesty's Principal Secretaries of State whether any Enlargement of the Boundaries of such Boroughs is necessary in order to include within the Area thereof the Population properly belonging to such Boroughs respectively, and in such Report shall propose such new Boundaries (if any) as in their Judgment would effect that Object, but such Report shall be of no Validity until it has been confirmed by Parliament.

Polling Booths at which certain Voters are to poll.

32. Every Person claiming to vote in respect of any Franchise conferred by this Act, other than one involving Occupation of Premises and Payment of Rates, shall vote at the Booth at which he would vote if he were registered as a Voter in respect of the House in which he resides.

Repeal of Proviso to 6 Vict. c. 18.

33. There shall be repealed so much of the Seventy-ninth Section of the Act of the Sixth Year of the Reign of Her present Majesty, Chapter Eighteen, as relates to the Residence of Voters at the Time at which they give their Votes.

Occupier may claim to be rated in order to acquire the Franchise.

34. Where the Owner is rated in respect of a Dwelling House instead of the Occupier, the Occupier may claim to be rated for the Purpose of acquiring the Franchise in the same Manner and subject to the same Conditions in and subject to which an Occupier may claim to be registered under the existing Acts of Parliament for the Purpose of acquiring the Franchise in respect of the Occupation of Premises of a clear yearly Value of not less than Ten Pounds, and all the Provisions of the said Acts shall apply accordingly; provided that the Rates to be paid by such Occupier in order to entitle him to the Franchise shall be Rates calculated on the full Rateable Value of the Premises.

First Registration of Occupiers.

35. Where any Occupier of a Dwelling House in respect of which the Owner is rated instead of the Occupier at the Time of the

passing of this Act would be entitled to be registered, in pursuance of this Act, at the First Registration of Parliamentary Voters to be made after the passing of this Act, if he had paid Rates for the required Period, such Occupier shall, notwithstanding he may not have paid such Rates, be entitled to be registered, subject to the following Conditions:

1st. That he makes a Claim to be rated in manner in which such Claims are required by the existing Law to be made, within *One Month* after the passing of this Act:

2d. That he pays all Rates due in respect of such House at the Time of making his Claim, and further pays all Rates becoming due in respect of such House between the Date of his Claim being made and the Date of his Name being placed on the Register of Parliamentary Voters, such last-mentioned Rates to be calculated on the full Rateable Value of the Premises.

Corrupt Payment of Rates to be punishable as Bribery.

36. Any Candidate or other Person, either directly or indirectly, corruptly paying any Rate on behalf of any Voter for the Purpose of enabling him to be registered as a Voter, or for the Purpose of inducing him to vote, shall be guilty of Bribery, and be punishable accordingly; and any Person on whose Behalf and with whose Privity any such Payment is made shall also be guilty of Bribery, and punishable accordingly.

Members holding Offices of Profit from the Crown not required to vacate their Seats on Acceptance of another Office.

37. Whereas by the Act of the Sixth Year of the Reign of Queen Anne, Chapter Seven, all Persons appointed to Offices of Profit under the Crown, and thereafter duly elected as Members of the House of Commons, are required to vacate their Seats upon their Acceptance of any other Office of Profit under the Crown, and it is expedient to alter the Laws in this respect: Be it therefore enacted, That if any Person appointed to any Office of Profit under the Crown, and thereafter duly returned as a Member of the House of Commons, accepts, while he continues to be such Member, any other Office of Profit under the Crown (except an Office which by Law incapacitates the Holder thereof from being elected or from voting in Parliament), the Acceptance of such other Office shall not render the Election of such Person void, nor shall any Writ thereupon issue for a new Election.

Provision in case of separate Registers.

38. Where separate Registers of Voters have been directed to be made in any County or Borough divided by this Act, if a Vacancy take place in the Representation of the said County or Borough before the summoning of a future Parliament, and after the Completion of such separate Registers, such last-mentioned Registers

Registers shall, for the Purpose of any Election to fill up such Vacancy, be deemed together to form the Register for the County or Borough.

Temporary Provisions consequent on Formation of new Boroughs.

39. Nothing in this Act contained shall affect the Rights of Persons whose Names are for the Time being on the Register of Voters for any County in which the Boroughs constituted by this Act are situate to vote in any Election for such County in respect of any Vacancy that may take place before the summoning of a future Parliament, but after such summoning no Person shall be entitled to be registered as a Voter or to vote in any Election for any such County who would not be entitled to be so registered or to vote in case the Boroughs constituted by this Act were before the passing of this Act Boroughs returning Members to Parliament.

General Saving Clause.

40. The Franchises conferred by this Act shall be in addition to and not in substitution for any existing Franchises; and, subject to the Provisions of this Act, all Laws, Customs, and Enactments now in force conferring any Right to vote or otherwise relating to the Representation of the People in England and Wales shall remain in full Force, and shall apply, as nearly as Circumstances admit, to any Constituency hereby authorized to return a Member or Members to Parliament as if it had heretofore returned such Members to Parliament.

Writs, &c. to be made conformable to this Act.

41. All Writs to be issued for the Election of Members to serve in Parliament, and all Mandates, Precepts, Instruments, Proceedings, and Notices consequent upon such Writs, shall be framed and expressed in such Manner and Form as may be necessary for the carrying the Provisions of this Act into effect.

Construction of Act.

42. This Act, so far as is consistent with the Tenor thereof, shall be construed as One with the Enactments for the Time being in force relating to the Representation of the People.

Interpretation of Terms:

43. The following Terms shall in this Act have the Meanings herein-after assigned to them, unless there is something in the Context repugnant to such Construction; (that is to say,)

"Month" shall mean Calendar Month: "Month:"

"Member" shall include a Knight of the Shire: "Member:"

"Election" shall mean an Election of a Member or Members to serve in Parliament: "Election:"

"County:" "County" shall not include a County of a City or County of a Town, but shall mean any County, Riding, Parts or Division of a County returning a Member or Members to serve in Parliament:

"Borough:" "Borough" shall mean any Borough, City, Place, or Combination of Places, not being a County as herein-before defined, returning a Member or Members to serve in Parliament:

"The Registration Acts." "The Registration Acts" shall mean the Act of the Sixth Year of the Reign of Her present Majesty, Chapter Eighteen, and the Act of the Twenty-eighth Year of the Reign of Her present Majesty, Chapter Thirty-six, and any other Acts or Parts of Acts relating to the Registration of Persons entitled to vote at and Proceedings in the Election of Members to serve in Parliament for England and Wales.

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SCHEDULES.

SCHEDULE (A.)

Boroughs to return One Member only in future Parliaments.

Honiton.	Knaresborough.	Cirencester.
Thetford.	Andover.	Bodmin.
Wells.	Leominster.	Great Marlow.
Evesham.	Tewkesbury.	Devizes.
Marlborough.	Ludlow.	Hertford.
Harwich.	Ripon.	Dorchester.
Richmond.	Huntingdon.	Lichfield.
Lymington.	Maldon.	

SCHEDULE (B.)

Places to be Boroughs to return One Member each.

County.	Places to be Boroughs.	Temporary Contents or Boundaries.
Devon - -	Torquay -	Parishes of— Tor Mohun. St. Mary Church. Cockington. Paignton.
Durham - -	Darlington -	Townships of— Darlington. Haughton-le-Skerne. Cockerton.
	Hartlepool -	Municipal Borough of Hartlepool. Townships of— Throston. Stranton. Seaton Carew.
Kent - -	Gravesend -	Parishes of— Gravesend. Milton. Northfleet.

County.	Places to be Boroughs.	Temporary Contents or Boundaries.
Lancashire -	St. Helens -	Townships of Sutton and Parr. Portions of Townships of Eccleston and Windle.
	Burnley -	Townships of— Burnley. Habergham Eaves.
Lancashire and Cheshire.	Staleybridge -	Municipal Borough of Staleybridge. Remaining Portion of Township of Dukinfield. Township of Stalley. The District of the Local Board of Health of Mossley.
Staffordshire -	Wednesbury -	Parishes of— Wednesbury. West Bromwich. Tipton.
Surrey - -	Croydon -	Parish of Croydon. Hamlet of Penge.
Yorkshire, North Riding.	Middlesborough	Township of Linthorpe, and so much of the Townships of Middlesborough, Ormesby, and Eston, as lie to the North of the Road leading from Eston towards Yarm.
Do. West Riding	Dewsbury -	The Townships of— Dewsbury. Batley. Soothill.
	Barnsley -	The Townships of— Barnsley. Worsborough. Dodworth. Barugh. Monk Bretton. Ardsley.

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SCHEDULE (C.)

Divisions of Borough of Tower Hamlets.

Name of Division.	Places comprised in Division.
Northern Division	The Parish of Hackney. The Parish of St. Matthew, Bethnal Green. The Parish of West Ham. The Parish of St. Leonard, Shoreditch.
Southern Division	The Parish of St. George's-in-the-East. The Hamlet of Mile End Old Town. The Union of Parishes of Poplar. The Union of Parishes of Stepney. The Union of Parishes of Whitechapel. The Liberty of the Tower of London.

SCHEDULE (D.)

Divisions of Counties.

Column 1. Name of County to be divided.	Column 2. Division.	Column 3. Parts comprised in such Division.	Column 4. Place for holding Courts for Election of Members.
South Devon	South-east Devon.	The Hundreds of— Teignbridge. Haytor. Wonford, except such Parts thereof as are included in the Limits of the City of Exeter by the 2 & 3 William 4. Cap. 64. Exminster. Cliston. East Budleigh. Axminster. Colyton. Ottery St. Mary. and also the Castle of Exeter.	The Castle of Exeter.
	South-west Devon.	The Hundreds of— Lifton. Tavistock. Roborough. Plymton. Ermington. Stanborough. Coleridge.	Plymouth.

Column 1. Name of County to be divided.	Column 2. Division.	Column 3. Parts comprised in such Division.	Column 4. Place for holding Courts for Election of Members.
WEST KENT -	West Kent -	The Lathe of Sutton at Hone.	Blackheath.
	Mid-Kent -	Remainder of the Division	Maidstone.
NORTH LANCASHIRE.	North Lancashire.	The Hundreds of— Lonsdale. Amounderness. Leyland.	Lancaster.
	North-east Lancashire.	The Hundred of— Blackburn.	Blackburn.
SOUTH LANCASHIRE.	South-east Lancashire.	Hundred of— Salford.	Manchester.
	South-west Lancashire.	Hundred of— West Derby.	Liverpool.
LINCOLN, Parts of Lindsey.	North Lindsey	Wapentakes of— Mauley. Yarborough. Bradley Haverstoe. Walshcroft. Corringham. Well. Aslacoe.	Glanford Brigg.
	South Lindsey	The remaining Parts of Lindsey.	Lincoln.
MIDDLESEX -	West Middlesex.	Hundreds of Gore, Elthorne, Isleworth, and Spelthorne, with so much of the Hundred of Ossulston as lies to the West of the Road leading from Edgware to Hyde Park, and of the North-eastern Boundary of Hyde Park, Green Park, and St. James' Park, and Great George Street to Westminster Bridge.	Hammersmith.
	East Middlesex	The Remainder of the County.	Tottenham.

Column 1. Name of County to be divided.	Column 2. Division.	Column 3. Parts comprised in such Division.	Column 4. Place for holding Courts for Election of Members.
SOUTH STAFFORDSHIRE.	South-west Staffordshire.	Hundreds of— Cuttlestone. Seiston.	Wolverhampton.
	East Staffordshire.	Hundred of— South Offlow.	Lichfield.
EAST SURREY	East Surrey -	Hundred of— Tandridge, and So much of the Hundred of Wallington as includes and lies to the East of the Parishes of Croydon and Sanderstead, and so much of the Hundred of Brixton as includes and lies to the East of the Parishes of Streatham, Clapham, and Lambeth.	Croydon.
	Mid Surrey -	The Remainder of the present Division.	Kingston-upon-Thames.

SCHEDULE (E.)

FORM No. 1.

Claim to vote.

County of
or
City [*or* Borough] of

To the Overseers of the Parish [*or* Township] of

I hereby claim to be inserted in the List of Voters as [a Depositor in a Savings Bank, &c., *as the Case may be*], and the Particulars of my Place of Abode and Qualification are stated in the Columns below:

Christian Name and Surname at full Length.	Profession, Trade, or Calling.	Place of Abode, with Number of House, Name of Street, &c. (if any).	Nature and Particulars of Qualification.	Number of Certificate annexed. *a*
			Depositor in the Savings Bank of [*or* Holder of £50 Bank Annuities, &c. &c.]	

a Insert the distinguishing Number of the annexed Certificate.

This Claim must bear Date the First Day of July or some Day subsequent thereto, and must be delivered to the Overseer, with the Certificate annexed, on or before the Twentieth Day of July.

FORM No. 2.

Certificate of Deposit in Savings Banks.

Certificate No. (*a.*)

We, the undersigned, [being Two of the Trustees [*or* Managers] of the Savings Bank,] or [I, the undersigned, being an Officer appointed and authorized by the Trustees [*or* Managers] of the Savings Bank for that Purpose], or [I, the undersigned, being an Officer appointed by Her Majesty's Postmaster General], do hereby certify that of has a Sum of not less than £50 deposited in the said Bank, and that he has had not less than such Amount so deposited in the said Bank for the Twenty-four Months immediately preceding the First Day of July in this present Year.

Dated the Day of 18 .

Signature and Description of Persons signing - } _____

Official Address _____

NOTE (*a.*) The Officers by whom these Certificates are granted must insert a distinguishing Number to each Certificate.

The Certificate must be issued subsequently to the Thirtieth Day of June, and must be delivered by the Claimant to the Overseer, with the Claim, on or before the Twentieth Day of July.

FORM No. 3.

Certificate of Ownership of £50 *in Parliamentary Stocks.*

Certificate No. (*b.*)

I of being an Officer of the Governor and Company of the Bank of England [*or* Ireland] authorized for that Purpose, do hereby certify that of has been, during the last Twelve Months entitled to a Sum of not less than £50 [*insert Description of Stock*] standing in his own Name, and that such [Stock, *&c.*] has been so standing in his Name ever since the Thirtieth Day of June in last Year.

Dated this Day of 18 .

Signature and Description of Officer signing - } _____

Official Address _____

NOTE (*b.*) The Officers by whom these Certificates are granted must insert a distinguishing Number to each Certificate.

The Certificate must be issued subsequently to the Thirtieth Day of June, and must be delivered by the Claimant to the Overseer, with the Claim, on or before the Twentieth Day of July.

FORM

FORM No. 4.

Form of Certificate of Charge of Tax.

I, *A.B.*, of, *&c.* [*set forth the Christian Name and Surname and Place of Abode of the Person certifying*], being One of the Commissioners of [*specify the Purpose for which he is a Commissioner*], or [*as the Case may be*] One of the Collectors of the Duties of [*specify the Duties*], assessed and charged on the Assessment herein-after mentioned, do hereby certify, that in and by the Assessments of the Duties of [*describe the Duties*] made for the Parish or Place of [*specify the Parish or Place and the County or City within which the same is situate, if the Assessment be local*], and which said Assessments [*or* a Duplicate of which said Assessments] are now lawfully in my Custody, *C.D.*, of was during the Year immediately preceding the Fifth Day of April last charged with the said Duties of [*state the Description of Duties*], in the said Parish or Place to the Amount of Twenty Shillings [*or* to the Amount of Twenty Shillings and upwards, *as the Case may be*], in respect of [*state the Nature of the Property, or Profits, or other Matter in respect of which the Duties are charged*], and has paid all the Duties so charged to him which became due prior to the Fifth of January last.

Given under my Hand, this Day of 18 .

NOTE.—The Officers by whom these Certificates are granted must insert a distinguishing Number to each Certificate.

The Certificate must be issued subsequently to the Thirtieth of June, and must be delivered by the Claimant to the Overseer, with the Claim, on or before the Twentieth Day of July.

Representation of the People.

A

BILL

Further to amend the Laws relating to the Representation of the People in England and Wales.

(*Prepared and brought in by Mr. Chancellor of the Exchequer, Mr. Secretary Walpole, and Secretary Lord Stanley.*)

Ordered, by The House of Commons, *to be Printed,* 18 *March* 1867.

[Bill 79.]

Under 4 *oz.*

Representation of the People Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clause.

Preamble.

1. Short Title of Act.
2. Application of Act.

PART I.

FRANCHISES.

3. Occupation Franchise for Voters in Boroughs.
4. Occupation Franchise for Voters in Counties.
5. The Occupier to be rated in Boroughs, and not the Owner. Provisoes.
6. First Registration of Occupiers.
7. No Elector who has been employed for Reward at an Election to be entitled to vote.
8. Persons reported guilty of Bribery in Totnes disqualified as Voters for County of Devon in respect of Qualification arising in said Borough.
9. Persons reported guilty of Bribery in Great Yarmouth disqualified as Voters for Counties of Norfolk or Suffolk in respect of Qualification arising in said Borough.
10. Persons reported guilty of Bribery in Lancaster disqualified as Voters for County of Lancaster in respect of Qualification arising in said Borough.
11. Persons reported guilty of Bribery in Reigate disqualified as Voters for County of Surrey in respect of Qualification arising in said Borough.

PART II.

DISTRIBUTION OF SEATS.

12. Disfranchisement of certain Boroughs.
13. Certain Boroughs to return Three Members.

Clause.
14. Certain Boroughs to return One Member only.
15. New Boroughs to return One Member each.
16. Registers of Voters to be formed for new Boroughs.
17. Merthyr Tydfil and Salford to return each Two Members. Division of the Tower Hamlets.
18. Registers of Voters to be formed for the Boroughs of Hackney and the Tower Hamlets.
19. Division of certain Counties.
20. University of London to return One Member.
21. Electors for Members of the University of London.

PART III.

Supplemental Provision.

Incidents of Franchise.

22. Successive Occupation.
23. Joint Occupation in Counties.
24. Notice of Rate in arrear to be given to Voters.

Registration of Voters.

25. Registration of Voters.

Places for Election, and Polling Places.

26. Courts for the Election of Members for Counties.
27. Provision for increased Polling Places.
28. When Polling Places altered, &c., Publication thereof in London Gazette not requisite.
29. Payment of Expenses of conveying Voters to the Poll illegal.
30. Rooms to be hired wherever they can be obtained.
31. Amendment as to Time for Delivery of Lists and Commencement of Register of Voters.
32. Amendment of Oath to be taken by Poll Clerk.
33. Receipt of Parochial Relief.

Election in University of London.

34. Vice Chancellor of University of London to be the Returning Officer.

Clause.

35. Elections for University of London to be within Six Days after Receipt of Writ, Three clear Days Notice being given.
36. Polling at University of London may continue Three Days.
37. Provision for Appointment of Pro-Vice Chancellors and Poll Clerks to conduct the Poll in the University of London.
38. Votes for London University may be recorded by Voting Papers.
39. Residence of Electors for the City of London extended to Twenty-five Miles.

Miscellaneous.

40. Returning Officer in a new Borough.
41. Appointment of Boundary Commissioners, who shall appoint Assistant Commissioners to examine Boundaries of new Boroughs, and report if Enlargement necessary.
42. Corrupt Payment of Rates to be punishable as Bribery.
43. Members holding Offices of Profit from the Crown not required to vacate their Seats on Acceptance of another Office.
44. Provision in case of separate Registers.
45. Temporary Provisions consequent on Formation of new Boroughs.
46. General Saving Clause.
47. Writs, &c. to be made conformable to this Act.
48. Construction of Act.
49. Interpretation of Terms.

SCHEDULES.

A

B I L L

[AS AMENDED IN COMMITTEE]

FURTHER

To amend the Laws relating to the Representation of the People in England and Wales.

WHEREAS it is expedient to amend the Laws relating to the Representation of the People in England and Wales: Preamble.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act shall be cited for all Purposes as "The Representation of the People Act, 1867." Short Title of Act.

2. This Act shall not apply to Scotland or Ireland, nor to the Universities of Oxford or Cambridge. Application of Act.

PART I.

Franchises.

3. Every Man shall be entitled to be registered as a Voter, and, when registered, to vote for a Member or Members to serve in Parliament Occupation Franchise for Voters in Boroughs.

Parliament for a Borough, who is qualified as follows; (that is to say,)

1. Is of full Age, and not subject to any legal Incapacity; and
2. Is on the last Day of July in any Year, and has during the whole of the preceding Twelve Calendar Months, been an Inhabitant Occupier, as Owner or Tenant, of any Dwelling House within the Borough; and
3. Has during the Time of such Occupation been rated as an ordinary Occupier in respect of the Premises so occupied by him within the Borough to all Rates (if any) made for the Relief of the Poor in respect of such Premises; and
4. Has before the Twentieth Day of July in the same Year bonâ fide paid an equal Amount in the Pound to that payable by other ordinary Occupiers in respect of all Poor Rates that have become payable by him in respect of the said Premises up to the preceding Fifth Day of January, and which have been demanded of him in manner herein-after mentioned;

Or as a Lodger has occupied in the same Borough separately and as sole Tenant for the Twelve Months preceding the last Day of July in any Year the same Lodgings, such Lodgings being Part of one and the same Dwelling House, and of a clear yearly Value, if let unfurnished, of Ten Pounds or upwards, and has resided in such Lodgings during the Twelve Months immediately preceding the last Day of July, and has claimed to be registered as a Voter at the next ensuing Registration of Voters: Provided that no Man shall under this Section be entitled to be registered as a Voter by reason of his being a joint Occupier of any Dwelling House.

Occupation Franchise for Voters in Counties.

4. Every Man shall be entitled to be registered as a Voter, and when registered to vote for a Member or Members to serve in Parliament for a County, who is qualified as follows; (that is to say,)

1. Is of full Age, and not subject to any legal Incapacity; and who shall be seised at Law or in Equity of any Lands or Tenements of Copyhold or any other Tenure whatever, except Freehold, for his own Life, or for the Life of another, or for any Lives whatsoever, or for any larger Estate of the clear yearly Value of not less than Five Pounds over and above all Rents and Charges payable out of or in respect of the same, or who shall be entitled, either as Lessee or Assignee, to any Lands or Tenements of Freehold or of any other Tenure whatever, for the unexpired Residue, whatever it may be, of any Term originally created for a Period of not less than Sixty Years (whether determinable on a Life or Lives or not), of the clear yearly

yearly Value of not less than Five Pounds over and above all Rents and Charges payable out of or in respect of the same;

2. Is on the last Day of July in any Year, and has during the Twelve Months immediately preceding, been the Occupier, as Owner or Tenant, of Lands or Tenements within the County of the rateable Value of Twelve Pounds or upwards; and

3. Has during the Time of such Occupation been rated in respect to the Premises so occupied by him to all Rates (if any) made for the Relief of the Poor in respect of the said Premises; and

4. Has before the Twentieth Day of July in the same Year paid all Poor Rates that have become payable by him in respect of the said Premises up to the preceding Fifth Day of January.

The Occupier to be rated in Boroughs, and not the Owner.

5. Where the Owner is rated at the Time of the passing of this Act to the Poor Rate in respect of a Dwelling House or other Tenement situate in a Parish wholly or partly in a Borough, instead of the Occupier, his Liability to be rated in any future Poor Rate shall cease, and the following Enactments shall take effect with respect to rating in all Boroughs:—

1. After the passing of this Act no Owner of any Dwelling House or other Tenement situate in a Parish either wholly or partly within a Borough shall be rated to the Poor Rate instead of the Occupier, except as herein-after mentioned:

2. The full rateable Value of every Dwelling House or other separate Tenement, and the full Rate in the Pound payable by the Occupier, and the Name of the Occupier, shall be entered in the Rate Book:

Where the Dwelling House or Tenement shall be wholly let out in Apartments or Lodgings not separately rated, the Owner of such Dwelling House or Tenement shall be rated in respect thereof to the Poor Rate.

Provided as follows:

Provisoes.

(1.) That nothing in this Act contained shall affect any Composition existing at the Time of the passing of this Act, so nevertheless that no such Composition shall remain in force beyond the Twenty-ninth Day of September next:

(2.) That nothing herein contained shall affect any Rate made previously to the passing of this Act, and the Powers conferred by any subsisting Act for the Purpose of collecting and recovering a Poor Rate shall remain and continue in force for the Collection and Recovery of any such Rate or Composition:

(3.) That where the Occupier under a Tenancy subsisting at the Time of the passing of this Act of any Dwelling House or other Tenement which has been let to him free from Rates is rated and has paid Rates in pursuance of this Act, he may deduct from any Rent due or accruing due from him in respect of the said Dwelling House or other Tenement any Amount paid by him on account of the Rates to which he may be rendered liable by this Act.

First Registration of Occupiers.

6. Where any Occupier of a Dwelling House or other Tenement (for which the Owner at the Time of the passing of this Act is rated or is liable to be rated) would be entitled to be registered as an Occupier in pursuance of this Act at the first Registration of Parliamentary Voters to be made after the passing of this Act if he had been rated to the Poor Rate for the whole of the required Period, such Occupier shall, notwithstanding he may not have been rated prior to the Twenty-ninth Day of September One thousand eight hundred and sixty-seven as an ordinary Occupier, be entitled to be registered, subject to the following Conditions:

1. That he has been duly rated as an ordinary Occupier to all Poor Rates in respect of the Premises after the Liability of the Owner to be rated to the Poor Rate has ceased, under the Provisions of this Act:
2. That he has before the Twentieth Day of July One thousand eight hundred and sixty-eight paid all Poor Rates which have become payable and which have been demanded from him in the Manner in this Act provided as an ordinary Occupier in respect of the Premises up to the preceding Fifth Day of January.

No Elector who has been employed for Reward at an Election to be entitled to vote.

7. No Elector who within Six Months before or during any Election for any County or Borough shall have been retained, hired, or employed for Reward by or on behalf of any Candidate at such Election as Agent, Canvasser, Clerk, Messenger, or in other like Employment, shall be entitled to vote at such Election, and if he shall so vote he shall be guilty of a Misdemeanor.

Persons reported guilty of Bribery in Totnes disqualified as Voters for County of Devon in respect of Qualification arising in said Borough.

8. Whereas the Commissioners appointed as aforesaid for the Purpose of making Inquiry into the Existence of corrupt Practices in the Borough of Totnes reported to Her Majesty that the Persons named in Schedule ( ) had been guilty of giving or receiving Bribes: Be it enacted, That none of the said Persons so named in the said Schedule shall have the Right of voting for the Southern Division of the County of Devon in respect of a Qualification situated within the said Borough of Totnes.

9. Whereas

Persons reported guilty of Bribery in Great Yarmouth disqualified as Voters for Counties of Norfolk or Suffolk in respect of Qualification arising in said Borough.

9. Whereas the Commissioners appointed as aforesaid for the Purpose of making Inquiry into the Existence of corrupt Practices in the Borough of Great Yarmouth reported to Her Majesty that the Persons named in Schedule ( ) had been guilty of giving or receiving Bribes: Be it enacted, That none of the said Persons so named in the said Schedule shall have the Right of voting for the Eastern Division of the County of Norfolk, or the Eastern Division of the County of Suffolk, in respect of a Qualification situated within the Borough of Great Yarmouth.

Persons reported guilty of Bribery in Lancaster disqualified as Voters for County of Lancaster respect of Qualification arising in said Borough.

10. Whereas the Commissioners appointed as aforesaid for the Purpose of making Inquiry into the Existence of corrupt Practices in the Borough of Lancaster reported to Her Majesty that the Persons named in Schedule ( ) had been guilty of giving or receiving Bribes: Be it enacted, That none of the said Persons so named in the said Schedule shall have the Right of voting for the Northern Division of the County of Lancaster in respect of a Qualification situated within the said Borough of Lancaster.

Persons reported guilty of Bribery in Reigate disqualified as Voters for County of Surrey in respect of Qualification arising in said Borough.

11. Whereas the Commissioners appointed as aforesaid for the Purpose of making Inquiry into the Existence of corrupt Practices in the Borough of Reigate reported to Her Majesty that the Persons named in Schedule ( ) had been guilty of giving or receiving Bribes: Be it enacted, That none of the said Persons so named in the said Schedule shall have the Right of voting for the Eastern Division of the County of Surrey in respect of a Qualification situated within the Borough of Reigate.

PART II.

Distribution of Seats.

Disfranchisement of certain Boroughs.

12. Whereas upon Representations made to Her Majesty in joint Addresses of both Houses of Parliament to the Effect that the Select Committees of the House of Commons appointed to try the Petitions complaining of undue Elections and Returns for the Boroughs of Totnes, Reigate, Great Yarmouth, and Lancaster had Reason to believe that corrupt Practices had extensively prevailed at the last Elections for the said Boroughs, Commissioners were appointed for the Purpose of making Inquiry into the Existence of such corrupt Practices, in pursuance of the Act of Parliament passed in the Sixteenth Year of the Reign of Her present Majesty, Chapter Fifty-seven, intituled "An Act to provide for the more "effectual Inquiry into the Existence of corrupt Practices at "Elections for Members to serve in Parliament:" And whereas

the Commissioners so appointed reported to Her Majesty as follow:—

1. As respects the said Borough of Totnes, that at every Election for the said Borough since and including the Election in the Year 1857 corrupt Practices had extensively prevailed:
2. As respects the said Borough of Reigate, that Bribery and Treating had prevailed at the Election in the Year 1859, and had extensively prevailed at the Two Elections in the Year 1858, and at the Elections in the Years 1863 and 1865:
3. As respects the said Borough of Great Yarmouth, that corrupt and illegal Practices had extensively prevailed at the Elections in the Years 1859 and 1865;
4. As respects the said Borough of Lancaster, that corrupt Practices had extensively prevailed at the Election in the Year 1865, and, with rare Exceptions, had for a long Time prevailed at contested Elections for Members to serve in Parliament for that Borough:

Be it enacted, That from and after the End of this present Parliament the Boroughs of Totnes, Reigate, Great Yarmouth, and Lancaster shall respectively cease to return any Member or Members to serve in Parliament.

Certain Boroughs to return Three Members.

13. From and after the End of this present Parliament, the City of Manchester, and the Boroughs of Liverpool, Birmingham, and Leeds, shall each respectively return Three Members to serve in Parliament.

Certain Boroughs to return One Member only.

14. From and after the End of this present Parliament, no Borough which had a less Population than Ten thousand, at the Census of One thousand eight hundred and sixty-one shall return more than One Member to serve in Parliament, such Boroughs being enumerated in Schedule (A.) to this Act annexed.

New Boroughs to return One Member each.

15. Each of the Places named in Schedule (B.) to this Act annexed shall be a Borough, and shall each return One Member to serve in future Parliaments, and, until otherwise directed by Parliament, each such Borough shall comprise such Places as are specified and described in connexion with the Name of each such Borough in the said Schedule (B.); and the Parishes of Chelsea, Kensington, Fulham, and Hammersmith, in the County of Middlesex, shall for the Purposes of this Act together form a Borough, to be called the Borough of Chelsea, and in all future Parliaments such Borough shall return Two Members to serve in Parliament.

16. Registers

Registers of Voters to be formed for new Boroughs.

16. Registers of Voters shall be formed in and after the Year One thousand eight hundred and sixty-eight, notwithstanding the Continuance of this present Parliament, for or in respect of the Boroughs constituted by this Act, in like Manner as if before the passing of this Act they respectively had been Boroughs returning Members to serve in Parliament.

Merthyr Tydfil and Salford to return each Two Members.

17. From and after the End of the present Parliament, the Boroughs of Merthyr Tydfil and Salford shall each return Two Members instead of One to serve in future Parliaments; and the Borough of the Tower Hamlets shall be divided into Two Divisions, and each Division shall in all future Parliaments be a separate Borough returning Two Members to serve in Parliament.

Division of the Tower Hamlets.

The said Divisions shall be known by the Name of the Borough of Hackney, and the Borough of the Tower Hamlets, and, until otherwise directed by Parliament, shall comprise the Places mentioned in connexion with each such Borough in Schedule (C.) hereto annexed.

Registers of Voters to be formed for the Boroughs of Hackney and the Tower Hamlets.

18. Registers of Voters shall be formed in and after the Year One thousand eight hundred and sixty-eight, notwithstanding the Continuance of this present Parliament, in respect of the said Boroughs of Hackney and of the Tower Hamlets constituted under this Act, in like Manner as if such Divisions had previously to the passing of this Act been separate Boroughs returning Members to serve in Parliament.

Division of certain Counties.

19. From and after the End of the present Parliament, each County named in the First Column of Schedule (D.) to this Act annexed shall be divided into the Divisions named in the Second Column of the said Schedule, and each of such Divisions shall consist of the Hundreds, Lathes, Wapentakes, and Places mentioned in the Third Column of the said Schedule.

In all future Parliaments there shall be Two Members to serve for each of the Divisions specified in the said Second Column, and such Members shall be chosen in the same Manner, and by the same Description of Voters, and in respect of the same Rights of voting, as if each such Division were a separate County.

All Enactments relating to Divisions of Counties returning Members to serve in Parliament shall be deemed to apply to the Divisions constituted as aforesaid.

Registers of Voters shall be formed in and after the Year One thousand eight hundred and sixty-eight, notwithstanding the Continuance of this present Parliament, for or in respect of the Divisions of Counties constituted by this Act, in like Manner as if before the

passing of this Act they had respectively been Counties returning Members to serve in Parliament.

University of London to return OneMember.

20. In all future Parliaments the Universities of London shall return One Member to serve in Parliament.

Electors for Members of the University of London.

21. Every Person whose Name is for the Time being on the Register of Graduates constituting the Convocation of the University of London shall, if of full Age, and not subject to any legal Incapacity, be entitled to vote in the Election of a Member to serve in any future Parliament for the said University.

PART III.

Supplemental Provision.

Incidents of Franchise.

Successive Occupation.

22. Different Premises occupied in succession by any Person as Owner or Tenant shall, unless and except as herein is otherwise provided, have the same Effect in qualifying such Person to vote for a County or Borough as a continued Occupation of the same Premises.

Joint Occupation in Counties.

23. In a County where Premises are in the joint Occupation of several Persons as Owners or Tenants, and the aggregate rateable Value of such Premises is such as would, if divided amongst the several Occupiers, so far as the Value is concerned, confer on each of them a Vote, then each of such joint Occupiers shall, if otherwise qualified, and subject to the Conditions of this Act, be entitled to be registered as a Voter, and when registered to vote at an Election for the County.

Notice of Rate in arrear to be given to Voters.

24. Where any Poor Rate due on the Fifth Day of January in any Year from an Occupier in respect of Premises capable of conferring the Franchise for a Borough remains unpaid on the First Day of June following, the Overseers whose Duty it may be to collect such Rate shall, on or before the Twentieth of the same Month of June, unless such Rate has previously been paid, or has been duly demanded by a Demand Note, to be served in like Manner as the Notice in this Section referred to, give or cause to be given a Notice in the Form set forth in Schedule (X.) to this Act to every such Occupier. The Notice shall be deemed to be duly given if delivered to the Occupier or left at his last or usual Place of Abode, or with some Person on the Premises in respect of which the

the Rate is payable. Any Overseer who shall wilfully withhold such Notice, with Intent to keep such Occupier off the List or Register of Voters for the said Borough, shall be deemed guilty of a Breach of Duty in the Execution of the Registration Acts.

Registration of Voters.

25. The following Regulations shall be observed with respect to the Registration of Voters: Registration of Voters.

1. The Overseers of every Parish or Township shall make out or cause to be made out a List of all Persons on whom a Right to vote for a County in respect of the Occupation of Premises is conferred by this Act, in the same Manner, and subject to the same Regulations, as nearly as Circumstances admit, in and subject to which the Overseers of Parishes and Townships in Boroughs are required by the Registration Acts to make out or cause to be made out a List of all Persons entitled to vote for a Member or Members for a Borough in respect of the Occupation of Premises of a clear yearly Value of not less than Ten Pounds:

2. The Claim of any Person desirous of being registered as a Voter for any County or Borough, and herein-before required to make a Claim, shall be made in the Form marked 1. in Schedule (E.) annexed hereto, or as near thereto as Circumstances admit. The Claim of every Person desirous of being registered as a Voter for a Member or Members to serve for any Borough in respect of the Occupation of Lodgings shall be in the Form numbered 5. in Schedule (E.), or to the like Effect, and shall have annexed thereto a Declaration in the Form and be certified in the Manner in the said Schedule mentioned, or as near thereto as Circumstances admit; and every such Claim shall after the last Day of July and on or before the Twenty-fifth Day of August in any Year be delivered to the Overseers of the Parish in which such Lodgings shall be situate, and the Particulars of such Claim shall be duly published by such Overseers on or before the First Day of September next ensuing in a separate List, according to the Form numbered 6. in the said Schedule (E.):

So much of Section 18. of the Act of the Session of the Sixth Year of the Reign of Her present Majesty, Chapter Eighteen, as relates to the Manner of publishing Lists of Claimants, and to the Delivery of Copies thereof to Persons requiring the same, shall apply to every such Claim and List; and all the Provisions of the 38th and 39th Sections of the same Act, with respect to the Proof of the Claims of

Persons omitted from the Lists of Voters, and to Objections thereto, and to the Hearing thereof, shall, so far as the same are applicable, apply to Claims and Objections, and to the Hearing thereof, under this Section.

Places for Election, and Polling Places.

Courts for the Election of Members for Counties.

26. The Court for the Election of Members for each of the Divisions mentioned in the Second Column of the said Schedule (D.) shall be holden at the Places named for that Purpose in the Fourth Column the same Schedule.

Provision for increased Polling Places.

27. In every County the Justices of the Peace having Jurisdiction therein or in the larger Part thereof assembled at the First Court of General or Quarter Sessions held after the passing of this Act, or at some Adjournment thereof, or at some subsequent Court to be held as soon as may be after such First Court, shall divide such County into Polling Districts, and assign to each District a Polling Place, in such Manner as to enable each Voter, so far as practicable, to have a Polling Place within a convenient Distance of his Residence; and the Justices shall advertise, in such Manner as they think fit, a Description of the Polling Districts so constituted by them, and the Name of the Polling Place assigned to each District; but nothing herein contained shall affect the Powers conferred by any other Act of Parliament of altering Polling Places or Polling Districts, or of creating additional Polling Places or Districts:

The Local Authority of every Borough shall, if they think Convenience requires it, as soon as may be after the passing of this Act, divide such Borough into Polling Districts, and the Returning Officer shall in the Case of a contested Election provide at least One Booth or Room for taking the Poll in each Polling District:

Where any Parish in a Borough is divided into or forms Part of more than One Polling District, the Overseers shall, so far as practicable, make out the Lists of Voters in such Manner as to divide the Names in conformity with each Polling District:

The Town Clerk, as defined by the Act of the Sixth Victoria, Chapter Eighteen, shall cause the Lists of Voters for each Borough to be copied, printed, arranged, and signed, and delivered in the Manner directed by the said Act, so as to correspond with the Division of the Borough into Polling Districts:

A Description of the Polling Districts made or altered in pursuance of this Act shall be advertised by the Local Authority in such Manner as they think fit, and Notice of the Situation, Division, and Allotment of the Polling Booth or Place

Place for each District shall be given in manner now required by Law:

The Local Authority shall mean, in every Municipal Borough, and, in every Borough any Part of which forms a Municipal Borough, the Town Council of such Borough, and in other Boroughs the Justices of the Peace acting for such Borough, or if there be no such Justices then the Justices acting for the Division of the County in which such Borough or the greater Part thereof is situate:

The Local Authority may from Time to Time alter any Districts made by them under this Act.

When Polling Places altered, &c. Publication thereof in London Gazette not required.

28. When by virtue of the Powers conferred by any other Act of Parliament Polling Places or Polling Districts are altered, or additional Polling Places or Districts are created, it shall not be necessary that any Declaration, Direction, or Order made as therein provided be published in the London Gazette, but the same shall be advertised by the Justices in such Manner as they shall think fit, and when so advertised shall have the same Force and Effect as if the same had been published in the London Gazette.

Payment of Expenses of conveying Voters to the Poll illegal.

29. It shall not be lawful for any Candidate, or any One on his Behalf, at any Election for any Borough, except the several Boroughs of East Retford, Shoreham, Cricklade, and Aylesbury, to pay any Money on account of the Conveyance of any Voter to the Poll, either to the Voter himself or to any other Person; and if any such Candidate, or any Person on his Behalf, shall pay any Money on account of the Conveyance of any Voter to the Poll, such Payment shall be deemed to be an illegal Payment within the Meaning of "The Corrupt Practices Prevention Act, 1854."

Rooms to be hired wherever they can be obtained.

30. At every contested Election for any County or Borough, unless some Building or Place belong to the County or Borough is provided by the Justices for that Purpose, the Returning Officer shall, whenever it is practicable so to do, instead of erecting a Booth, hire a Building or Room for the Purpose of taking the Poll:

Where in any Place there is any Room the Expense of maintaining which is payable out of any Rates levied in such Place, such Room may, with the Consent of the Person or Corporation having the Control over the same, be used for the Purpose of taking the Poll at such Place.

Amendment as to Time for Delivery of Lists and Commence-

31. The Forty-seventh and Forty-eighth Sections of the Act of the Sixth Year of the Reign of Her present Majesty, Chapter Eighteen, relating to the Transmission and Delivery of the Book or

ment of Register of Voters.

Books containing the Lists of Voters to the Sheriff and Returning Officer, shall be construed as if the Word "December" were substituted in those Sections for the Word "November," and the said Book or Books shall be the Register of Persons entitled to vote for the County or Borough to which such Register relates at any Election which takes place during the Year commencing on the First Day of January next after such Register is made, and the Register of Electors in force at the Time of the passing of this Act shall be the Register in force until the First Day of January One thousand eight hundred and sixty-eight.

Amendment of Oath to be taken by Poll Clerk.

32. The Oath to be taken by a Poll Clerk shall hereafter be in the following Form:—

'I *A.B.* do hereby swear, That I will truly and indifferently take the Poll at the Election of Members to serve in Parliament for the [Borough or County] of

'So help me God.'

Every Person for the Time being by Law permitted to make a solemn Affirmation or Declaration, instead of taking an Oath, may, instead of taking the Oath hereby appointed, make a solemn Affirmation, in the Form of the Oath hereby appointed, substituting the Words "solemnly, sincerely, and truly declare and affirm" for the Word "swear," and omitting the Words "So help me God."

Receipt of Parochial Relief.

33. The Thirty-sixth Section of the Act of the Second Year of King William the Fourth, Chapter Forty-five, disqualifying Persons in Receipt of Parochial Relief from being registered as Voters for a Borough, shall apply to a County also, and the said Section shall be construed as if the Word "County" were inserted therein before the Word "City."

Election in University of London.

Vice-Chancellor of University of London to be the Returning Officer.

34. The Vice-Chancellor of the University of London shall be the Returning Officer for such University, and the Writ for any Election of a Member to serve in Parliament for such University shall be directed to such Vice-Chancellor.

Elections for University of London to be within Six Days after Receipt of Writ, Three clear Days Notice being given.

35. The Vice-Chancellor of the University of London shall proceed to Election, in pursuance of any Writ to be directed to him as herein-before mentioned, within Six Days after the Receipt of such Writ, giving Three clear Days Notice of the Day and Place of Election, exclusive of the Day of Proclamation and the Day of Election; and the Vice-Chancellor shall after such Election certify the same, together with such Writ, according to the Directions thereof.

36. At

Polling at University of London may continue Three Days.

36. At every contested Election of a Member or Members to serve in Parliament for the University of London the Polling shall commence at Eight o'Clock in the Morning of the Day next following the Day fixed for the Election, and may continue for not more than Three Days (Sunday, Christmas Day, and Good Friday being excluded), but no Poll shall be kept open later than Four o'Clock in the Afternoon.

Provision for Appointment of Pro-Vice-Chancellors and Poll Clerks to conduct the Poll in the University of London.

37. At every Election of a Member to serve in Parliament for the University of London the Vice-Chancellor shall appoint the Polling Place, and also shall have Power to appoint Two or more Pro-Vice-Chancellors, any One of whom may receive the Votes and decide upon all Questions during the Absence of such Vice-Chancellor; and such Vice-Chancellor shall have Power to appoint Poll Clerks and other Officers, by One or more of whom the Votes may be entered in the Poll Book, or such Number of Poll Books as may be judged necessary by such Vice-Chancellor; and such Vice-Chancellor shall, not later than Two o'Clock in the Afternoon of the Day next following the Close of the Poll, openly declare the State of the Poll and make Proclamation of the Member chosen.

Votes for London University may be recorded by Voting Papers.

38. All the Provisions of an Act passed in the Twenty-fourth and Twenty-fifth Years of Her present Majesty, entitled "An Act "to provide that Votes at Elections for the Universities may be "recorded by means of Voting Papers," shall apply to every Election of a Member for the University of London.

Residence of Electors for the City of London extended to Twenty-five Miles.

39. So much of the Twenty-seventh Section of the Act of the Second Year of the Reign of King William the Fourth, Chapter Forty-five, and of the Seventy-ninth Section of the Act of the Sixth Year of the Reign of Her present Majesty, Chapter Eighteen, as relates to the Residence of Electors within Seven Miles of any City or Borough, shall be repealed in respect to Electors otherwise qualified to be registered and to vote for Members to serve in Parliament for the City of London: Provided always, that no Person shall be registered as an Elector for the said City unless he shall have resided for Six Calendar Months next previous to the last Day of July in any Year, nor be entitled to vote at any Election for the said City unless he shall have ever since the last Day of July in the Year in which his Name was inserted in the Register then in force have resided, and at the Time of voting shall have continued to reside, within the said City, or within Tweny-five Miles thereof or any Part thereof.

Miscellaneous.

Returning Officer in a new Borough.

40. In any Borough named in Schedules (B.) and (C.) to this Act annexed, which is or includes a Municipal Borough, the Mayor of such Municipal Borough shall be the Returning Officer, and in the other Cases the Returning Officer shall be appointed in the same Manner as if such Places were included amongst the Boroughs mentioned in Schedules (C.) and (D.) of the Act of the Second Year of His late Majesty William the Fourth, Chapter Forty-five, for which no Persons are mentioned in such Schedules as Returning Officers.

Appointment of Boundary Commissioners, who shall appoint Assistant Commissioners to examine Boundaries of new Boroughs, and report if Enlargement necessary.

41. The following Persons, that is to say, the Right Honourable Lord Viscount Eversley, the Right Honourable Russell Gurney, Sir John Thomas Buller Duckworth, Baronet, Sir Francis Crossley, Baronet, and John Walter, Esquire, of whom not less than Three shall be a Quorum, shall be appointed Boundary Commissioners for England and Wales, and they shall, immediately after the passing of this Act, proceed, by themselves or by Assistant Commissioners appointed by them, to inquire into the temporary Boundaries of every Borough constituted by this Act, with Power to suggest such Alterations therein as they may deem expedient; they shall also inquire into the Boundaries of every other Borough in England and Wales, with a view to ascertain whether the Boundaries should be enlarged, so as to include within the Limits of the Borough all Premises which ought, due Regard being had to Situation or other local Circumstances, to be included therein for the Purpose of conferring upon the Occupiers thereof the Parliamentary Franchise for such Borough; they shall also inquire into the Divisions of Counties as constituted by this Act, and as to the Places appointed for holding Courts for the Election of Members for such Divisions, with a view to ascertain whether, having regard to the natural and legal Divisions of each County, and the Distribution of the Population therein, any and what Alterations should be made in such Divisions or Places; and the said Commissioners shall, with all practicable Despatch, report to One of Her Majesty's Principal Secretaries of State upon the several Matters in this Section referred to them, and their Report shall be laid before Parliament.

The Commissioners and Assistant Commissioners so appointed shall give Notice, by public Advertisement, of their Intention to visit such Counties and Boroughs, and shall appoint a Time for receiving the Statements of any Persons who may be desirous of giving Information as to the Boundaries or other local Circumstances of such Counties and Boroughs, and shall by personal Inspection and such other Means as they shall think necessary,

possess

possess themselves of such Information as will enable them to make such Report as herein mentioned.

Corrupt Payment of Rates to be punishable as Bribery.

42. Any Candidate or other Person, either directly or indirectly, corruptly paying any Rate on behalf of any Voter for the Purpose of enabling him to be registered as a Voter, and any Candidate or other Person, either directly or indirectly, paying any Rate on behalf of any Voter for the Purpose of inducing him to vote, shall be guilty of Bribery, and be punishable accordingly; and any Person on whose Behalf and with whose Privity any such Payment as in this Section is mentioned is made shall also be guilty of Bribery, and punishable accordingly.

Members holding Offices of Profit from the Crown not required to vacate their Seats on Acceptance of another Office.

43. Whereas it is expedient to amend the Law relating to Offices of Profit the Acceptance of which from the Crown vacates the Seats of Members accepting the same, but does not render them incapable of being re-elected: Be it enacted, That where a Person has been returned as a Member to serve in Parliament since the Acceptance by him from the Crown of any Office described in Schedule (F.) to this Act annexed, the subsequent Acceptance by him from the Crown of any other Office or Offices described in such Schedule in lieu of and in immediate Succession the one to the other shall not vacate his Seat.

Provision in case of separate Registers.

44. Where separate Registers of Voters have been directed to be made in respect of the Divisions of the Borough and Counties divided by this Act into Two Divisions only if a Vacancy take place in the Representation of the said County or Borough before the summoning of a future Parliament, and after the Completion of such separate Registers, such last-mentioned Registers shall, for the Purpose of any Election to fill up such Vacancy, be deemed together to form the Register for the Borough or County; and in the Case of a County divided into more than Two Divisions the Clerk of the Peace shall, from the separate Registers, make out a Register of Voters for the County or original Division of the County in which the Election may be about to take place, in the same Manner as if no new Division or Divisions of such County had been made by this Act.

Temporary Provisions consequent on Formation of new Boroughs.

45. Nothing in this Act contained shall affect the Rights of Persons whose Names are for the Time being on the Register of Voters for any County in which the Boroughs constituted by this Act are situate to vote in any Election for such County in respect of any Vacancy that may take place before the summoning of a future Parliament, but after such summoning no Person shall be

entitled to be registered as a Voter or to vote in any Election for any such County who would not be entitled to be so registered or to vote in case the Qualifications held by him were situate in a Borough other than One constituted by this Act.

General Saving Clause.

46. The Franchises conferred by this Act shall be in addition to and not in Substitution for any existing Franchises; but so that no Person shall be entitled to vote for the same Place in respect of more than One Qualification; and, subject to the Provisions of this Act, all Laws, Customs, and Enactments now in force conferring any Right to vote, or otherwise relating to the Representation of the People in England and Wales, shall remain in full Force, and shall apply, as nearly as Circumstances admit, to any Person hereby authorized to vote, and shall also apply to any Constituency hereby authorized to return a Member or Members to Parliament as if it had heretofore returned such Members to Parliament and to the Franchises hereby conferred; and nothing in this Act contained shall entitle any Person to vote in the Election of Members to serve in Parliament for the City of Oxford or Town of Cambridge in respect of the Occupation of any Chambers or Premises in any of the Colleges or Halls of the Universities of Oxford or Cambridge.

Writs, &c. to be made conformable to this Act.

47. All Writs to be issued for the Election of Members to serve in Parliament, and all Mandates, Precepts, Instruments, Proceedings, and Notices consequent upon such Writs, shall be framed and expressed in such Manner and Form as may be necessary for the carrying the Provisions of this Act into Effect.

Construction of Act.

48. This Act, so far as is consistent with the Tenor thereof, shall be construed as One with the Enactments for the Time being in force relating to the Representation of the People and with the Registration Acts; and in construing the Provisions of the Twenty-fourth and Twenty-fifth Sections of the Act of the Second Year of King William the Fourth, Chapter Forty-five, the Expressions "the Provisions herein-after contained," and "as aforesaid," shall be deemed to refer to the Provisions of this Act conferring Rights to vote as well as to the Provisions of the said Act.

Interpretation of Terms:

49. The following Terms shall in this Act have the Meanings herein-after assigned to them, unless there is something in the Context repugnant to such Construction; (that is to say,)

"Month:" "Month" shall mean Calendar Month:

"Member:" "Member" shall include a Knight of the Shire:

"Election"

"Election" shall mean an Election of a Member or Members to serve in Parliament: "Election:"

"County" shall not include a County of a City or County of a Town, but shall mean any County, Riding, Parts or Divisions of a County returning a Member or Members to serve in Parliament: "County:"

"Borough" shall mean any Borough, City, Place, or Combination of Places, not being a County as herein-before defined, returning a Member or Members to serve in Parliament: "Borough:"

"Dwelling House" shall include any Part of a House occupied as a separate Dwelling, and separately rated to the Relief of the Poor: "Dwelling House:"

"The Registration Acts" shall mean the Act of the Sixth Year of the Reign of Her present Majesty, Chapter Eighteen, and the Act of the Twenty-eighth Year of the Reign of Her present Majesty, Chapter Thirty-six, and any other Acts or Parts of Acts relating to the Registration of Persons entitled to vote at and Proceedings in the Election of Members to serve in Parliament for England and Wales. "The Registration Acts."

SCHEDULES.

SCHEDULE (A.)

Boroughs to return One Member only in future Parliaments.

Honiton.	Knaresborough.	Lewes.
Thetford.	Andover.	Cirencester.
Wells.	Leominster.	Bodmin.
Evesham.	Tewkesbury.	Great Marlow.
Marlborough.	Ludlow.	Devizes.
Harwich.	Ripon.	Hertford.
Richmond.	Huntingdon.	Dorchester.
Lymington.	Maldon.	Lichfield.
Chippenham.	Buckingham.	Cockermouth.
Bridport.	Newport (Isle of	Bridgnorth.
Stamford.	Wight).	Guildford.
Chipping Wycombe.	New Malton.	Chichester.
Poole.	Tavistock.	Windsor.

SCHEDULE (B.)

New Boroughs to return One Member each.

County.	Places to be Boroughs.	Temporary Contents or Boundaries.
DURHAM - -	Darlington -	Townships of— Darlington. Haughton-le-Skerne. Cockerton.
	Hartlepool -	Municipal Borough of Hartlepool. Townships of— Throston. Stranton. Seaton Carew.
	Stockton -	Municipal Borough of Stockton, and the Township of Thornaby.
KENT - -	Gravesend -	Parishes of— Gravesend. Milton. Northfleet.

County.	Places to be Boroughs.	Temporary Contents or Boundaries.
Lancashire -	Burnley -	Townships of— Burnley. Habergham Eaves.
Lancashire and Cheshire.	Staleybridge -	Municipal Borough of Staleybridge. Remaining Portion of Township of Dukinfield. Township of Stalley. The District of the Local Board of Health of Mossley.
Staffordshire -	Wednesbury -	Parishes of— Wednesbury. West Bromwich. Tipton.
Yorkshire, North Riding.	Middlesborough	Township of Linthorpe, and so much of the Townships of Middlesborough, Ormesby, and Eston, as lie to the North of the Road leading from Eston towards Yarm.
Do. West Riding	Dewsbury -	The Townships of— Dewsbury. Batley. Soothill.

SCHEDULE (C.)

New Boroughs formed by Division of the Borough of the Tower Hamlets.

Name of Borough.	Places comprised in the Borough.
Borough of Tower Hamlets - -	The Parish of St. George's-in-the-East. The Hamlet of Mile End Old Town. The Poplar Union. The Stepney Union. The Whitechapel Union. The Tower of London.
Borough of Hackney -	The Parish of St. John, Hackney. The Parish of St. Matthew, Bethnal Green. The Parish of St. Leonard, Shoreditch.

SCHEDULE (D.)

Counties to be divided.

Name of County to be divided.	Division.	Parts temporarily comprised in such Division.	Places temporarily appointed for holding Courts for Election of Members.
CHESHIRE -	North Cheshire	The Hundred of— Macclesfield.	Macclesfield.
	Mid-Cheshire	The Hundreds of— Bucklow, and Northwich.	Knutsford.
	South Cheshire	The Hundreds of— Broxton, Eddisbury, Nantwich, and Wirrall, And also the City and County of the City of Chester.	Chester.
DERBYSHIRE -	North Derbyshire.	The Hundred of— High Peak, and The Wapentake of Worksworth.	Bakewell.
	South Derbyshire.	The Hundreds of— Repton and Gresley, Morleston and Litchurch, and Appletree.	Derby.
	East Derbyshire.	The Hundred of— Scarsdale.	Chesterfield.

Name of County to be divided.	Division.	Parts temporarily comprised in such Division.	Places temporarily appointed for holding Courts for Election of Members.
DEVONSHIRE -	North Devonshire.	The Hundreds of— Bampton, Braunton, Crediton, Frenington, Halberton, Hartland, Hayridge, Henyock, North Tawton, Shebbear, Sherwill, South Molton, Tiverton, Winkleigh, Witheridge, and West Budleigh.	South Molton.
	East Devonshire.	The Hundreds of— Axminster, Cliston, Colyton, East Budleigh, Exminster, Ottery St. Mary, Haytor, Teignbridge, and also The Castle of Exeter and the Hundred of Wonford, except such Parts of the Hundred as are included in the Limits of the City and County of Exeter by the 2nd and 3rd Will. IV. Cap. 64.	Castle of Exeter.
	South Devonshire.	The Hundreds of— Black Torrington, Coleridge, Ermington, Lifton, Plympton, Roborough, Stanborough, and Tavistock.	Plymouth.

Name of County to be divided.	Division.	Parts temporarily comprised in such Division.	Places temporarily appointed for holding Courts for Election of Members.
Essex - -	North West Essex.	The Hundreds of— Freshwell, Uttlesford, Clavering, Dunmow, Harlow, Waltham, Ongar, and Chelmsford.	Chelmsford.
	North East Essex.	The Hundreds of— Hinckford, Lexden, Tendring, Winstree, Witham, Thurstable, and Dengie.	Braintree.
	South Essex -	The Hundreds of— Becontree, Chafford, Barstable, and Rochford, With the Liberty of Havering.	Brentwood.
West Kent -	West Kent -	The Lathe of Sutton at Hone.	Blackheath
	Mid Kent -	Remainder of the Division	Maidstone.
North Lancashire.	North Lancashire.	The Hundreds of— Lonsdale, Amounderness, and Leyland.	Lancaster.
	North East Lancashire.	The Hundred of— Blackburn.	Blackburn.
South Lancashire.	South East Lancashire.	The Hundred of— Salford.	Manchester.
	South West Lancashire.	The Hundred of— West Derby.	Liverpool.

Name of County to be divided.	Division.	Parts temporarily comprised in such Division.	Places temporarily appointed for holding Courts for Election of Members.
Lincoln -	North Lincolnshire.	The Wapentakes, Hundreds, or Sokes of— Manley, Yarborough, Bradley Haverstoe, Ludborough, Walshcroft, Aslacoe, Corringham, Louth Eske, and Calceworth, So much as lies within Louth Eske.	Glanford Brigg.
	Mid-Lincolnshire.	The Wapentakes, Hundreds, or Sokes of— Well, Lawress, Wraggoe, Gartree, Candleshoe, Calceworth, Except so much as lies within the Hundred of Louth Eske, Hill, Bolingbroke, Horncastle, Boothby Graffoe, and Langoe and Lincoln Liberty.	
	South Lincolnshire.	The Wapentakes, Hundreds, or Sokes of— Loveden, Flaxwell, Aswardhurn, Winnibriggs and Threo, Aveland, Beltisloe, Ness, Grantham Soke, Skirbeck, Kirton, and Holland Elloe.	Sleaford.

Name of County to be divided.	Division.	Parts temporarily comprised in such Division.	Places temporarily appointed for holding Courts for Election of Members.
Norfolk -	West Norfolk	The Hundreds of— Wayland, Launditch, South Greenhoe, Gallow, Brothercross, Smithdon, Freebridge Lynn, Freebridge Marshland, Clackclose, and Grimshoe.	Swaffham.
	North East Norfolk.	The Hundreds of— East Flegg, West Flegg, Happing, Tunstead, Erpingham (North), Erpingham (South), Eynsford, Holt, and North Greenhoe.	Aylsham.
	South East Norfolk.	The Hundreds of— Walsham, Blofield, Henstead, Humbleyard, Loddon, Clavering, Diss, Deepwade, Earsham, Guiltcross, Shropham, Taverham, Forehoe, and Mitford.	Norwich.
Somersetshire.	East Somerset	The existing Sessional Divisions of— Long Ashton, Keynsham, Weston,	Bath.

Name of County to be divided.	Division.	Parts temporarily comprised in such Division.	Places temporarily appointed for holding Courts for Election of Members.
SOMERSETSHIRE—*cont.*	East Somerset —*cont.*	Axbridge, and Temple Cloud, As established by virtue of the Order of Her Majesty's Justices of the Peace for the County of Somerset, and also all such other Places in the said County as are locally situated within or are surrounded by the said Sessional Divisions, or any of them, and are not mentioned in the said Order.	
	Mid Somerset	The existing Sessional Divisions of— Crewkerne, Yeovil, Somerton, Shepton Mallet, Wincanton, Wells, Frome, and Kilmersdon, As established by virtue of the Order of Her Majesty's Justices of the Peace for the said County of Somerset, and also all such other Places in the said County as are locally situated within or are surrounded by the said Sessional Divisions, or any of them, and are not mentioned in the said Order.	Wells.
	West Somerset	The existing Sessional Divisions of— Dunster, Dulverton, Williton, Wiveliscombe, Bishop's Lydeard,	Taunton.

Name of County to be divided.	Division.	Parts temporarily comprised in such Division.	Places temporarily appointed for holding Courts for Election of Members.
SOMERSETSHIRE—*cont.*	West Somerset —*cont.*	Wellington, Taunton, Bridgwater, and Ilminster, As established by virtue of the Order of Her Majesty's Justices of the Peace for the said County of Somerset, and also all such other Places as are locally situated within or are surrounded by the said Sessional Divisions, or any of them, and are not mentioned in the said Order.	
STAFFORDSHIRE.	North Staffordshire.	The Hundreds of— Totmonslow and Pirehill, North.	Stoke-upon-Trent
	West Staffordshire.	The Hundreds of— Pirehill, South. Cuttlestone, and Seisdon.	Stafford.
	East Staffordshire.	The Hundreds of— Offlow (North). Offlow (South).	Lichfield.
EAST SURREY	East Surrey -	The Hundred of— Tandridge, and So much of the Hundred of Wallington as includes and lies to the East of the Parishes of Croydon and Sanderstead, and so much of the Hundred of Brixton as includes and lies to the East of the Parishes of Streatham, Clapham, and Lambeth.	Croydon.
	Mid Surrey -	The Remainder of the present Division.	Kingston-upon-Thames.

Name of County to be divided.	Division.	Parts temporarily comprised in such Division.	Places temporarily appointed for holding Courts for Election of Members.
YORKSHIRE, WEST RIDING.	Northern Division.	The Hundreds of— Ewecross and Staincliffe, Claro, Skyrack, Barkstone Ash, and Osgoldcross.	Leeds.
	Mid Division	The Hundred of— Morley.	Bradford.
	Southern Division.	The Hundreds of— Agbrigg, Strafforth and Tickhill, and Staincross.	Wakefield.

SCHEDULE (E.)

Form No. 1.

Claim of Lodger.

Borough of

To the Overseers of the Parish of

I hereby claim to be inserted in the List of Voters in respect of the Occupation of the under-mentioned Lodgings, and the Particulars of my Qualification are stated in the Columns below :

Christian Name and Surname at full length.	Profession, Trade, or Calling.	Description of Lodgings.	Description of House in which Lodgings situate, with Number, if any, and Name of Street.	Name, Description, and Residence of Landlord or other Person to whom Rent paid.

I the above-named hereby declare that I have been during the Twelve Months immediately preceding the last Day of July in this Year, the Occupier as sole Tenant of the above-mentioned Lodgings, and that I have resided therein during the Twelve Months immediately preceding the said last Day of July, and that such Lodgings are of a clear yearly Value, if let unfurnished, of Ten Pounds or upwards.

Dated the Day of

Signature of Claimant _____

Witness to the Signature of the said _____

And I certify my Belief in the Accuracy of the above Claim. _____

Name of Witness _____

Residence and Calling _____

This Claim must bear Date the First Day of August or some Day subsequent thereto, and must be delivered to the Overseers after the last Day of July, and on or before the Twenty-fifth Day of August.

Form No.2.

List of Claimants in respect of Lodgings to be published by the Overseers.

The following Persons claim to have their Names inserted in the List of Persons entitled to vote in the Election of a Member [*or* Members] for the City [*or* Borough] of _____

Christian Name and Surname of each Claimant at full Length.	Profession, Trade, or Calling.	Description of Lodgings.	Description of House in which Lodgings situate, with Number, if any, and Name of Street.	Name, Description, and Residence of Landlord or other Person to whom Rent paid.

(Signed) *A.B.*, *C.D.*, *E.F.* } Overseers of *&c.*

SCHE-

SCHEDULE (F.)

To *A.B.*

City [*or* Borough of]

Take Notice that you will not be entitled to have your Name inserted in the List of Voters for this City [*or* Borough] now about to be made, in respect of the Premises in your Occupation in [*Street or Place*] unless you pay, on or before the Twentieth Day of July next all the Poor Rates which have become due from you in respect of such Premises up to the Fifth Day of January last, amounting to £ , and and if you omit to make such Payment you will be incapable of being on the next Register of Voters for this City [*or* Borough].

Dated the Day of June 18 .

C.D.
E.F. } Overseers
or
G.H. { Assistant Overseer
or
I.K. Collector.

Representation of the People.

A

B I L L

[AS AMENDED IN COMMITTEE]

Further to amend the Laws relating to the Representation of the People in England and Wales.

(Prepared and brought in by Mr. Chancellor of the Exchequer, Mr. Secretary Walpole, and Secretary Lord Stanley.)

Ordered, by The House of Commons, *to be Printed,* 9 *July* 1867.

[Bill 237.]

Under 5 *oz.*

Representation of the People Bill.

[AS AMENDED IN COMMITTEE AND ON CONSIDERATION OF BILL AS AMENDED.]

ARRANGEMENT OF CLAUSES.

Clause.

Preamble.

1. Short Title of Act.
2. Application of Act.

PART I.

FRANCHISES.

3. Occupation Franchise for Voters in Boroughs.
4. Lodger Franchise in Boroughs.
5. Property Franchise in Counties.
6. Occupation Franchise in Counties.
7. The Occupier to be rated in Boroughs, and not the Owner. Provisoes.
8. First Registration of Occupiers.
9. No Elector who has been employed for Reward at an Election to be entitled to vote.
10. Disfranchisement of certain Boroughs.
11. Persons reported guilty of Bribery in Totnes disqualified as Voters for County of Devon in respect of Qualification arising in said Borough.
12. Persons reported guilty of Bribery in Great Yarmouth disqualified as Voters for Counties of Norfolk or Suffolk in respect of Qualification arising in said Borough.
13. Persons reported guilty of Bribery in Lancaster disqualified as Voters for County of Lancaster in respect of Qualification arising in said Borough.
14. Persons reported guilty of Bribery in Reigate disqualified as Voters for County of Surrey in respect of Qualification arising in said Borough.

PART II.

DISTRIBUTION OF SEATS.

15. Certain Boroughs to return Three Members.
16. Certain Boroughs to return One Member only.

17. New

Clause.
17. New Boroughs to return One Member each.
18. Registers of Voters to be formed for new Boroughs.
19. Merthyr Tydfil and Salford to return each Two Members. Division of the Tower Hamlets.
20. Registers of Voters to be formed for the Boroughs of Hackney and the Tower Hamlets.
21. Division of certain Counties.
22. University of London to return One Member.
23. Electors for Members of the University of London.

PART III.

Supplemental Provision.

Incidents of Franchise.

24. Successive Occupation.
25. Joint Occupation in Counties.
26. Notice of Rate in arrear to be given to Voters.
27. Overseers to make out a List of Persons in arrear of Rates.

Registration of Voters.

28. Registration of Voters.
29. Definition of "Expenses of Registration."

Places for Election, and Polling Places.

30. Courts for the Election of Members for Counties.
31. Provision for increased Polling Places.
32. When Polling Places altered, &c., Publication thereof in London Gazette not requisite.
33. Payment of Expenses of conveying Voters to the Poll illegal.
34. Rooms to be hired wherever they can be obtained.
35. Amendment as to Time for Delivery of Lists and Commencement of Register of Voters.
36. Amendment of Oath to be taken by Poll Clerk.
37. Receipt of Parochial Relief.

Election in University of London.

38. Vice-Chancellor of University of London to be the Returning Officer.

Clause.

39. Elections for University of London to be within Six Days after Receipt of Writ, Three clear Days Notice being given.
40. Polling at University of London may continue Three Days.
41. Provision for Appointment of Pro-Vice-Chancellors and Poll Clerks to conduct the Poll in the University of London.
42. Votes for London University may be recorded by Voting Papers.
43. Residence of Electors for the City of London extended to Twenty-five Miles.

Miscellaneous.

44. Returning Officer in a new Borough.
45. Appointment of Boundary Commissioners, who shall appoint Assistant Commissioners to examine Boundaries of new Boroughs, and report if Enlargement necessary.
46. Corrupt Payment of Rates to be punishable as Bribery.
47. Members holding Offices of Profit from the Crown not required to vacate their Seats on Acceptance of another Office.
48. Copy of Reports of Commissioners to be Evidence.
49. Provision in case of separate Registers.
50. Temporary Provisions consequent on Formation of new Boroughs.
51. General Saving Clause.
52. Issue of Writs to County Palatine of Lancaster.
53. Writs, &c. to be made conformable to this Act.
54. Construction of Act.
55. Interpretation of Terms.

SCHEDULES.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON CONSIDERATION OF BILL AS AMENDED]

FURTHER

To amend the Laws relating to the Representation of the People in England and Wales.

WHEREAS it is expedient to amend the Laws relating to the Representation of the People in England and Wales: Preamble.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act shall be cited for all Purposes as "The Representation of the People Act, 1867." Short Title of Act.

2. This Act shall not apply to Scotland or Ireland, nor in anywise affect the Election of Members to serve in Parliament for the Universities of Oxford or Cambridge. Application of Act.

PART I.

FRANCHISES.

3. Every Man shall, in and after the Year One thousand eight hundred and sixty-eight, be entitled to be registered as a Voter, and, Occupation Franchise for Voters in Boroughs.

and, when registered, to vote for a Member or Members to serve in Parliament for a Borough, who is qualified as follows; (that is to say,)

1. Is of full Age, and not subject to any legal Incapacity; and
2. Is on the last Day of July in any Year, and has during the whole of the preceding Twelve Calendar Months, been an Inhabitant Occupier, as Owner or Tenant, of any Dwelling House within the Borough; and
3. Has during the Time of such Occupation been rated as an ordinary Occupier in respect of the Premises so occupied by him within the Borough to all Rates (if any) made for the Relief of the Poor in respect of such Premises; and
4. Has on or before the Twentieth Day of July in the same Year bonâ fide paid an equal Amount in the Pound to that payable by other ordinary Occupiers in respect of all Poor Rates that have become payable by him in respect of the said Premises up to the preceding Fifth Day of January:

Provided that no Man shall under this Section be entitled to be registered as a Voter by reason of his being a joint Occupier of any Dwelling House.

Lodger Franchise in Boroughs.

4. Every Man shall, in and after the Year One thousand eight hundred and sixty-eight, be entitled to be registered as a Voter, and, when registered, to vote for a Member or Members to serve in Parliament for a Borough, who is qualified as follows; (that is to say,)

1. Is of full Age and not subject to any legal Incapacity; and
2. As a Lodger has occupied in the same Borough separately and as sole Tenant for the Twelve Months preceding the last Day of July in any Year the same Lodgings, such Lodgings being Part of one and the same Dwelling House, and of a clear yearly Value, if let unfurnished, of Ten Pounds or upwards, and has resided in such Lodgings during the Twelve Months immediately preceding the last Day of July, and has claimed to be registered as a Voter at the next ensuing Registration of Voters.

Property Franchise in Counties.

5. Every Man shall, in and after the Year One thousand eight hundred and sixty-eight, be entitled to be registered as a Voter, and, when registered, to vote for a Member or Members to serve in Parliament for a County, who is qualified as follows; (that is to say,)

1. Is of full Age, and not subject to any legal Incapacity; and is seised at Law or in Equity of any Lands or Tenements of Freehold, Copyhold, or any other Tenure whatever, for his own Life, or for the Life of another, or for any Lives

Lives whatsoever, or for any larger Estate of the clear yearly Value of not less than Five Pounds over and above all Rents and Charges payable out of or in respect of the same, or who is entitled, either as Lessee or Assignee, to any Lands or Tenements of Freehold or of any other Tenure whatever, for the unexpired Residue, whatever it may be, of any Term originally created for a Period of not less than Sixty Years (whether determinable on a Life or Lives or not), of the clear yearly Value of not less than Five Pounds over and above all Rents and Charges payable out of or in respect of the same;

Provided that no Person shall be registered as a Voter under this Section unless he has complied with the Provisions of the Twenty-sixth Section of the Act of the Second Year of the Reign of His Majesty William the Fourth, Chapter Forty-five.

Occupation Franchise in Counties.

6. Every Man shall be entitled to be registered as a Voter, and when registered to vote for a Member or Members to serve in Parliament for a County, who is qualified as follows (that is to say):

1. Is of full Age and not subject to any legal Incapacity; and
2. Is on the last Day of July in any Year, and has during the Twelve Months immediately preceding, been the Occupier, as Owner or Tenant, of Lands or Tenements within the County of the rateable Value of Twelve Pounds or upwards; and
3. Has during the Time of such Occupation been rated in respect to the Premises so occupied by him to all Rates (if any) made for the Relief of the Poor in respect of the said Premises; and
4. Has on or before the Twentieth Day of July in the same Year paid all Poor Rates that have become payable by him in respect of the said Premises up to the preceding Fifth Day of January.

The Occupier to be rated in Boroughs, and not the Owner.

7. Where the Owner is rated at the Time of the passing of this Act to the Poor Rate in respect of a Dwelling House or other Tenement situate in a Parish wholly or partly in a Borough, instead of the Occupier, his Liability to be rated in any future Poor Rate shall cease, and the following Enactments shall take effect with respect to rating in all Boroughs:—

1. After the passing of this Act no Owner of any Dwelling House or other Tenement situate in a Parish either wholly or partly within a Borough shall be rated to the Poor Rate instead of the Occupier, except as herein-after mentioned:

2. The full rateable Value of every Dwelling House or other separate Tenement, and the full Rate in the Pound payable by the Occupier, and the Name of the Occupier, shall be entered in the Rate Book :

Where the Dwelling House or Tenement shall be wholly let out in Apartments or Lodgings not separately rated, the Owner of such Dwelling House or Tenement shall be rated in respect thereof to the Poor Rate.

Provisoes. Provided as follows :

(1.) That nothing in this Act contained shall affect any Composition existing at the Time of the passing of this Act, so nevertheless that no such Composition shall remain in force beyond the Twenty-ninth Day of September next :

(2.) That nothing herein contained shall affect any Rate made previously to the passing of this Act, and the Powers conferred by any subsisting Act for the Purpose of collecting and recovering a Poor Rate shall remain and continue in force for the Collection and Recovery of any such Rate or Composition :

(3.) That where the Occupier under a Tenancy subsisting at the Time of the passing of this Act of any Dwelling House or other Tenement which has been let to him free from Rates is rated and has paid Rates in pursuance of this Act, he may deduct from any Rent due or accruing due from him in respect of the said Dwelling House or other Tenement any Amount paid by him on account of the Rates to which he may be rendered liable by this Act.

First Registration of Occupiers.

8. Where any Occupier of a Dwelling House or other Tenement (for which the Owner at the Time of the passing of this Act is rated or is liable to be rated) would be entitled to be registered as an Occupier in pursuance of this Act at the first Registration of Parliamentary Voters to be made after the Year One thousand eight hundred and sixty-seven, if he had been rated to the Poor Rate for the whole of the required Period, such Occupier shall, notwithstanding he may not have been rated prior to the Twenty-ninth Day of September One thousand eight hundred and sixty-seven as an ordinary Occupier, be entitled to be registered, subject to the following Conditions :

1. That he has been duly rated as an ordinary Occupier to all Poor Rates in respect of the Premises after the Liability of the Owner to be rated to the Poor Rate has ceased, under the Provisions of this Act :

2. That

2. That he has on or before the Twentieth Day of July One thousand eight hundred and sixty-eight paid all Poor Rates which have become payable by him as an ordinary Occupier in respect of the Premises up to the preceding Fifth Day of January.

No Elector who has been employed for Reward at an Election to be entitled to vote.

9. No Elector who within Six Months before or during any Election for any County or Borough shall have been retained, hired, or employed for Reward by or on behalf of any Candidate at such Election as Agent, Canvasser, Clerk, Messenger, or in other like Employment, shall be entitled to vote at such Election, and if he shall so vote he shall be guilty of a Misdemeanor.

Disfranchisement of certain Boroughs.

10. Whereas upon Representations made to Her Majesty in joint Addresses of both Houses of Parliament to the Effect that the Select Committees of the House of Commons appointed to try the Petitions complaining of undue Elections and Returns for the Boroughs of Totnes, Reigate, Great Yarmouth, and Lancaster had Reason to believe that corrupt Practices had extensively prevailed at the last Elections for the said Boroughs, Commissioners were appointed for the Purpose of making Inquiry into the Existence of such corrupt Practices, in pursuance of the Act of Parliament passed in the Sixteenth Year of the Reign of Her present Majesty, Chapter Fifty-seven, intituled "An Act to provide for the more "effectual Inquiry into the Existence of corrupt Practices at "Elections for Members to serve in Parliament:" And whereas the Commissioners so appointed reported to Her Majesty as follow:—

1. As respects the said Borough of Totnes, that at every Election for the said Borough since and including the Election in the Year 1857 corrupt Practices had extensively prevailed:
2. As respects the said Borough of Reigate, that Bribery and Treating had prevailed at the Election in the Year 1859, and had extensively prevailed at the Two Elections in the Year 1858, and at the Elections in the Years 1863 and 1865:
3. As respects the said Borough of Great Yarmouth, that corrupt and illegal Practices had extensively prevailed at the Elections in the Years 1859 and 1865;
4. As respects the said Borough of Lancaster, that corrupt Practices had extensively prevailed at the Election in the Year 1865, and, with rare Exceptions, had for a long Time prevailed at contested Elections for Members to serve in Parliament for that Borough:

Be it enacted, That from and after the End of this present Parliament the Boroughs of Totnes, Reigate, Great Yarmouth, and

Lancaster shall respectively cease to return any Member or Members to serve in Parliament.

Persons reported guilty of Bribery in Totnes disqualified as Voters for County of Devon in respect of Qualification arising in said Borough.

11. Whereas the Commissioners appointed under a Commission of Her Majesty, dated the Sixteenth Day of June One thousand eight hundred and sixty-six, for the Purpose of making Inquiry into the Existence of corrupt Practices in the Borough of Totnes, have by their Report, dated the Twenty-ninth Day of January One thousand eight hundred and sixty-seven, reported to Her Majesty that the Persons named in Schedules (J.) and (K.) to the said Report annexed had been guilty of giving or receiving Bribes: Be it enacted, That none of the Persons so named in the said Schedules shall have the Right of voting for the Southern Division of the County of Devon in respect of a Qualification situated within the said Borough of Totnes.

Persons reported guilty of Bribery in Great Yarmouth disqualified as Voters for Counties of Norfolk or Suffolk in respect of Qualification arising in said Borough.

12. Whereas the Commissioners appointed under a Commission of Her Majesty, dated the Sixteenth Day of June One thousand eight hundred and sixty-six, for the Purpose of making Inquiry into the Existence of corrupt Practices in the Borough of Great Yarmouth, have by their Report, dated the Twentieth Day of December One thousand eight hundred and sixty-six, reported to Her Majesty that the Persons named in Schedules (A.) and (B.) to the said Report annexed had been guilty of giving or receiving Bribes: Be it enacted, That none of the Persons so named in the said Schedules shall have the Right of voting for the Eastern Division of the County of Norfolk, or the Eastern Division of the County of Suffolk, in respect of a Qualification situated within the Borough of Great Yarmouth.

Persons reported guilty of Bribery in Lancaster disqualified as Voters for County of Lancaster in respect of Qualification arising in said Borough.

13. Whereas the Commissioners appointed under a Commission of Her Majesty, dated the Sixteenth Day of June One thousand eight hundred and sixty-six, for the Purpose of making Inquiry into the Existence of corrupt Practices in the Borough of Lancaster, have by their Report reported to Her Majesty that certain Persons had been guilty of giving or receiving Bribes: Be it enacted, That none of the said Persons appearing by the Schedules marked (A.) and (B.) to the said Report annexed to have been bribed, or as bribing and treating, shall have the Right of voting for the Northern Division of the County of Lancaster in respect of a Qualification situated within the said Borough of Lancaster.

Persons reported guilty of Bribery in Reigate dis-

14. Whereas the Commissioners appointed under a Commission of Her Majesty, dated the Sixteenth Day of June One thousand eight hundred and sixty-six, for the Purpose of making Inquiry into

into the Existence of corrupt Practices in the Borough of Reigate, by their Report, dated the Second Day of February One thousand eight hundred and sixty-seven, reported to Her Majesty that the Persons named in Schedules (A.), (B.), and (C.) had been guilty of giving or receiving Bribes: Be it enacted, That none of the said Persons so named in the said Schedules, and appearing thereby to have been so guilty in the Election which took place in the Year One thousand eight hundred and sixty-five, shall have the Right of voting for the Division of Mid-Surrey in respect of a Qualification situated within the Borough of Reigate.

qualified as Voters for County of Surrey in respect of Qualification arising in said Borough.

PART II.

Distribution of Seats.

15. From and after the End of this present Parliament, the City of Manchester, and the Boroughs of Liverpool, Birmingham, and Leeds, shall each respectively return Three Members to serve in Parliament.

Certain Boroughs to return Three Members.

16. From and after the End of this present Parliament, no Borough which had a less Population than Ten thousand, at the Census of One thousand eight hundred and sixty-one shall return more than One Member to serve in Parliament, such Boroughs being enumerated in Schedule (A.) to this Act annexed.

Certain Boroughs to return One Member only.

17. Each of the Places named in Schedule (B.) to this Act annexed shall be a Borough, and shall return One Member to serve in future Parliaments, and, until otherwise directed by Parliament, each such Borough shall comprise such Places as are specified and described in connexion with the Name of each such Borough in the said Schedule (B.); and the Parishes of Chelsea, Kensington, Fulham, and Hammersmith, in the County of Middlesex, shall for the Purposes of this Act together form a Borough, to be called the Borough of Chelsea, and in all future Parliaments such Borough shall return Two Members to serve in Parliament.

New Boroughs to return One Member each.

18. Registers of Voters shall be formed in and after the Year One thousand eight hundred and sixty-eight, notwithstanding the Continuance of this present Parliament, for or in respect of the Boroughs constituted by this Act, in like Manner as if before the passing of this Act they respectively had been Boroughs returning Members to serve in Parliament.

Registers of Voters to be formed for new Boroughs.

19. From and after the End of the present Parliament, the Boroughs of Merthyr Tydfil and Salford shall each return Two Members

Merthyr Tydfil and Salford to return each

Two Members. Members instead of One to serve in future Parliaments; and the Borough of the Tower Hamlets shall be divided into Two Divisions, and each Division shall in all future Parliaments be a separate Borough returning Two Members to serve in Parliament.

Division of the Tower Hamlets. The said Divisions shall be known by the Name of the Borough of Hackney, and the Borough of the Tower Hamlets, and, until otherwise directed by Parliament, shall comprise the Places mentioned in connexion with each such Borough in Schedule (C.) hereto annexed.

Registers of Voters to be formed for the Boroughs of Hackney and the Tower Hamlets. **20.** Registers of Voters shall be formed in and after the Year One thousand eight hundred and sixty-eight, notwithstanding the Continuance of this present Parliament, in respect of the said Boroughs of Hackney and of the Tower Hamlets constituted under this Act, in like Manner as if such Divisions had previously to the passing of this Act been separate Boroughs returning Members to serve in Parliament.

Division of certain Counties. **21.** From and after the End of the present Parliament, each County named in the First Column of Schedule (D.) to this Act annexed shall be divided into the Divisions named in the Second Column of the said Schedule, and, until otherwise directed by Parliament, each of such Divisions shall consist of the Hundreds, Lathes, Wapentakes, and Places mentioned in the Third Column of the said Schedule.

In all future Parliaments there shall be Two Members to serve for each of the Divisions specified in the said Second Column, and such Members shall be chosen in the same Manner, and by the same Description of Voters, and in respect of the same Rights of voting, as if each such Division were a separate County.

All Enactments relating to Divisions of Counties returning Members to serve in Parliament shall be deemed to apply to the Divisions constituted as aforesaid.

Registers of Voters shall be formed in and after the Year One thousand eight hundred and sixty-eight, notwithstanding the Continuance of this present Parliament, for or in respect of the Divisions of Counties constituted by this Act, in like Manner as if before the passing of this Act they had respectively been Counties returning Members to serve in Parliament.

University of London to return OneMember. **22.** In all future Parliaments the University of London shall return One Member to serve in Parliament.

Electors for Members of the Uni- **23.** Every Man whose Name is for the Time being on the Register of Graduates constituting the Convocation of the University

versity of London shall, if of full Age, and not subject to any legal Incapacity, be entitled to vote in the Election of a Member to serve in any future Parliament for the said University. versity of London.

PART III.

Supplemental Provision.

Incidents of Franchise.

24. Different Premises occupied in immediate Succession by any Person as Owner or Tenant during the Twelve Calendar Months next previous to the last Day of July in any Year shall, unless and except as herein is otherwise provided, have the same Effect in qualifying such Person to vote for a County or Borough as a continued Occupation of the same Premises in the Manner herein provided. Successive Occupation.

25. In a County where Premises are in the joint Occupation of several Persons as Owners or Tenants, and the aggregate rateable Value of such Premises is such as would, if divided amongst the several Occupiers, so far as the Value is concerned, confer on each of them a Vote, then each of such joint Occupiers shall, if otherwise qualified, and subject to the Conditions of this Act, be entitled to be registered as a Voter, and when registered to vote at an Election for the County: Provided always, that not more than Two Persons, being such joint Occupiers, shall be entitled to be registered in respect of such Premises, unless they shall have derived the same by Descent, Succession, Marriage, Marriage Settlement, or Devise, or unless they shall be bonâ fide engaged as Partners carrying on Trade or Business thereon. Joint Occupation in Counties.

26. Where any Poor Rate due on the Fifth Day of January in any Year from an Occupier in respect of Premises capable of conferring the Franchise for a Borough remains unpaid on the First Day of June following, the Overseers whose Duty it may be to collect such Rate shall, on or before the Twentieth of the same Month of June, unless such Rate has previously been paid, or has been duly demanded by a Demand Note, to be served in like Manner as the Notice in this Section referred to, give or cause to be given a Notice in the Form set forth in Schedule (F.) to this Act to every such Occupier. The Notice shall be deemed to be duly given if delivered to the Occupier or left at his last or usual Place of Abode, or with some Person on the Premises in respect of which the Rate is payable. Any Overseer who shall wilfully withhold such Notice of Rate in arrear to be given to Voters.

Notice, with Intent to keep such Occupier off the List or Register of Voters for the said Borough, shall be deemed guilty of a Breach of Duty in the Execution of the Registration Acts.

Overseers to make out a List of Persons in arrears of Rates.

27. The Overseers of every Parish wholly or partly within a Borough shall, on or before the Twenty-second Day of July in every Year, make out a List containing the Name and Place of Abode of every Person who shall not have paid, on or before the Twentieth Day of the same Month, all Poor Rates which shall have become payable from him in respect of any Premises within the said Parish, before the Fifth Day of January then last past, and the Overseers shall keep the said List, to be perused by any Person without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day except Sunday during the First Fourteen Days after the said Twenty-second Day of July; any Overseer wilfully neglecting or refusing to make out such List, or to allow the same to be perused as aforesaid, shall be deemed guilty of a Breach of Duty in the Execution of the Registration Acts.

Registration of Voters.

Registration of Voters.

28. The following Regulations shall in and after the Year One thousand eight hundred and sixty-eight be observed with respect to the Registration of Voters:

1. The Overseers of every Parish or Township shall make out or cause to be made out a List of all Persons on whom a Right to vote for a County in respect of the Occupation of Premises is conferred by this Act, in the same Manner, and subject to the same Regulations, as nearly as Circumstances admit, in and subject to which the Overseers of Parishes and Townships in Boroughs are required by the Registration Acts to make out or cause to be made out a List of all Persons entitled to vote for a Member or Members for a Borough in respect of the Occupation of Premises of a clear yearly Value of not less than Ten Pounds:

2. The Claim of every Person desirous of being registered as a Voter for a Member or Members to serve for any Borough in respect of the Occupation of Lodgings shall be in the Form numbered 1. in Schedule (E.), or to the like Effect, and shall have annexed thereto a Declaration in the Form and be certified in the Manner in the said Schedule mentioned, or as near thereto as Circumstances admit; and every such Claim shall after the last Day of July and on or before the Twenty-fifth Day of August in any Year be delivered

delivered to the Overseers of the Parish in which such Lodgings shall be situate, and the Particulars of such Claim shall be duly published by such Overseers on or before the First Day of September next ensuing in a separate List, according to the Form numbered 2. in the said Schedule (E.):

So much of Section 18. of the Act of the Session of the Sixth Year of the Reign of Her present Majesty, Chapter Eighteen, as relates to the Manner of publishing Lists of Claimants, and to the Delivery of Copies thereof to Persons requiring the same, shall apply to every such Claim and List; and all the Provisions of the 38th and 39th Sections of the same Act, with respect to the Proof of the Claims of Persons omitted from the Lists of Voters, and to Objections thereto, and to the Hearing thereof, shall, so far as the same are applicable, apply to Claims and Objections, and to the Hearing thereof, under this Section.

Definition of "Expenses of Registration."

29. The Word "Expenses" contained in the Sections Fifty-four and Fifty-five of the said Registration Act of the Session of the Sixth Year of the Reign of Her present Majesty, Chapter Eighteen, shall be deemed to and shall include and apply to all proper and reasonable Fees and Charges of any Clerk of the Peace of any County, or of any Town Clerk of any City or Borough, to be hereafter made or charged by him, in any Year for his Trouble, Care, and Attention in the Performance of the Services and Duties imposed upon him by the same Act or by this Act, in addition to any Money actually paid or disbursed by him for or in respect of any such Services or Duties as aforesaid.

Places for Election, and Polling Places.

Courts for the Election of Members for Counties.

30. The Court for the Election of Members for each of the Divisions mentioned in the Second Column of the said Schedule (D.) shall be holden at the Places named for that Purpose in the Fourth Column of the same Schedule.

Provision for increased Polling Places.

31. In every County the Justices of the Peace having Jurisdiction therein or in the larger Part thereof, assembled at some Court of General or Quarter Sessions, or at some Adjournment thereof, held after the passing of this Act, may, if they think Convenience requires it, divide such County into Polling Districts, and assign to each District a Polling Place, in such Manner as to enable each Voter, so far as practicable, to have a Polling Place within a convenient Distance of his Residence; and the Justices shall advertise, in such Manner as they think fit, a Description of the Polling

Districts so constituted by them, and the Name of the Polling Place assigned to each District, and shall name the Polling Places at which the Revising Barristers are to hold their Courts, and no Revising Barrister shall be obliged to hold his Courts at any Polling Places not so named; but nothing herein contained shall affect the Powers conferred by any other Act of Parliament of altering Polling Places or Polling Districts, or of creating additional Polling Places or Districts:

The Local Authority of every Borough shall, if they think Convenience requires it, as soon as may be after the passing of this Act, divide such Borough into Polling Districts, and the Returning Officer shall in the Case of a contested Election provide at least One Booth or Room for taking the Poll in each Polling District:

Where any Parish in a Borough is divided into or forms Part of more than One Polling District, the Overseers shall, so far as practicable, make out the Lists of Voters in such Manner as to divide the Names in conformity with each Polling District:

The Town Clerk, as defined by the Act of the Sixth Victoria, Chapter Eighteen, shall cause the Lists of Voters for each Borough to be copied, printed, arranged, and signed, and delivered in the Manner directed by the said Act, so as to correspond with the Division of the Borough into Polling Districts:

A Description of the Polling Districts made or altered in pursuance of this Act shall be advertised by the Local Authority in such Manner as they think fit, and Notice of the Situation, Division, and Allotment of the Polling Booth or Place for each District shall be given in manner now required by Law:

The Local Authority shall mean, in every Municipal Borough, and, in every Borough any Part of which forms a Municipal Borough, the Town Council of such Borough, and in other Boroughs the Justices of the Peace acting for such Borough, or if there be no such Justices then the Justices acting for the Division of the County in which such Borough or the greater Part thereof is situate; and in Cases where a Parliamentary Borough is constituted by the Combination of Two or more Municipal Boroughs, then the Local Authority shall mean the Town Council of that Municipal Borough in which the Nomination takes place:

The Local Authority may from Time to Time alter any Districts made by them under this Act.

32. When

When Polling Places altered, &c. Publication thereof in London Gazette not required.

32. When by virtue of the Powers conferred by any other Act of Parliament Polling Places or Polling Districts are altered, or additional Polling Places or Districts are created, it shall not be necessary that any Declaration, Direction, or Order made as therein provided be published in the London Gazette, but the same shall be advertised by the Justices in such Manner as they shall think fit, and when so advertised shall have the same Force and Effect as if the same had been published in the London Gazette.

Payment of Expenses of conveying Voters to the Poll illegal.

33. It shall not be lawful for any Candidate, or any One on his Behalf, at any Election for any Borough, except the several Boroughs of East Retford, Shoreham, Cricklade, Much Wenlock, and Aylesbury, to pay any Money on account of the Conveyance of any Voter to the Poll, either to the Voter himself or to any other Person; and if any such Candidate, or any Person on his Behalf, shall pay any Money on account of the Conveyance of any Voter to the Poll, such Payment shall be deemed to be an illegal Payment within the Meaning of "The Corrupt Practices Prevention Act, 1854."

Rooms to be hired wherever they can be obtained.

34. At every contested Election for any County or Borough, unless some Building or Place belonging to the County or Borough is provided for that Purpose, the Returning Officer shall, whenever it is practicable so to do, instead of erecting a Booth, hire a Building or Room for the Purpose of taking the Poll:

Where in any Place there is any Room the Expense of maintaining which is payable out of any Rates levied in such Place, such Room may, with the Consent of the Person or Corporation having the Control over the same, be used for the Purpose of taking the Poll at such Place.

Amendment as to Time for Delivery of Lists and Commencement of Register of Voters.

35. The Forty-seventh and Forty-eighth Sections of the Act of the Sixth Year of the Reign of Her present Majesty, Chapter Eighteen, relating to the Transmission and Delivery of the Book or Books containing the Lists of Voters to the Sheriff and Returning Officer, shall be construed as if the Word "December" were substituted in those Sections for the Word "November," and the said Book or Books shall be the Register of Persons entitled to vote for the County or Borough to which such Register relates at any Election which takes place during the Year commencing on the First Day of January next after such Register is made, and the Register of Electors in force at the Time of the passing of this Act shall be the Register in force until the First Day of January One thousand eight hundred and sixty-eight.

 36. The

Amendment of Oath to be taken by Poll Clerk.

36. The Oath to be taken by a Poll Clerk shall hereafter be in the following Form:—

'I *A.B.* do hereby swear, That I will truly and indifferently take 'the Poll at the Election of Members to serve in Parliament 'for the [Borough or County] of

'So help me God.'

Every Person for the Time being by Law permitted to make a solemn Affirmation or Declaration, instead of taking an Oath, may, instead of taking the Oath hereby appointed, make a solemn Affirmation, in the Form of the Oath hereby appointed, substituting the Words "solemnly, sincerely, and truly declare and affirm" for the Word "swear," and omitting the Words "So help me God."

Receipt of Parochial Relief.

37. The Thirty-sixth Section of the Act of the Second Year of King William the Fourth, Chapter Forty-five, disqualifying Persons in Receipt of Parochial Relief from being registered as Voters for a Borough, shall apply to a County also, and the said Section shall be construed as if the Word "County" were inserted therein before the Word "City."

Election in University of London.

Vice-Chancellor of University of London to be the Returning Officer.

38. The Vice-Chancellor of the University of London shall be the Returning Officer for such University, and the Writ for any Election of a Member to serve in Parliament for such University shall be directed to such Vice-Chancellor.

Elections for University of London to be within Six Days after Receipt of Writ, Three clear Days Notice being given.

39. The Vice-Chancellor of the University of London shall proceed to Election, in pursuance of any Writ to be directed to him as herein-before mentioned, within Six Days after the Receipt of such Writ, giving Three clear Days Notice of the Day and Place of Election, exclusive of the Day of Proclamation and the Day of Election; and the Vice-Chancellor shall after such Election certify the same, together with such Writ, according to the Directions thereof.

Polling at University of London may continue Three Days.

40. At every contested Election of a Member or Members to serve in Parliament for the University of London the Polling shall commence at Eight o'Clock in the Morning of the Day next following the Day fixed for the Election, and may continue for not more than Three Days (Sunday, Christmas Day, and Good Friday being excluded), but no Poll shall be kept open later than Four o'Clock in the Afternoon.

41. At

Provision for Appointment of Pro-Vice-Chancellors and Poll Clerks to conduct the Poll in the University of London.

41. At every Election of a Member to serve in Parliament for the University of London the Vice-Chancellor shall appoint the Polling Place, and also shall have Power to appoint Two or more Pro-Vice-Chancellors, any One of whom may receive the Votes and decide upon all Questions during the Absence of such Vice-Chancellor; and such Vice-Chancellor shall have Power to appoint Poll Clerks and other Officers, by One or more of whom the Votes may be entered in the Poll Book, or such Number of Poll Books as may be judged necessary by such Vice-Chancellor; and such Vice-Chancellor shall, not later than Two o'Clock in the Afternoon of the Day next following the Close of the Poll, openly declare the State of the Poll and make Proclamation of the Member chosen.

Votes for London University may be recorded by Voting Papers.

42. All the Provisions of an Act passed in the Twenty-fourth and Twenty-fifth Years of Her present Majesty, entitled "An Act "to provide that Votes at Elections for the Universities may be "recorded by means of Voting Papers," shall apply to every Election of a Member for the University of London.

Residence of Electors for the City of London extended to Twenty-five Miles.

43. So much of the Twenty-seventh Section of the Act of the Second Year of the Reign of King William the Fourth, Chapter Forty-five, and of the Seventy-ninth Section of the Act of the Sixth Year of the Reign of Her present Majesty, Chapter Eighteen, as relates to the Residence of Electors within Seven Miles of any City or Borough, shall be repealed in respect to Electors otherwise qualified to be registered and to vote for Members to serve in Parliament for the City of London: Provided always, that no Person shall be registered as an Elector for the said City unless he shall have resided for Six Calendar Months next previous to the last Day of July in any Year, nor be entitled to vote at any Election for the said City unless he shall have ever since the last Day of July in the Year in which his Name was inserted in the Register then in force have resided, and at the Time of voting shall have continued to reside, within the said City, or within Tweny-five Miles thereof or any Part thereof.

Miscellaneous.

Returning Officer in a new Borough.

44. In any Borough named in Schedules (B.) and (C.) to this Act annexed, which is or includes a Municipal Borough, the Mayor of such Municipal Borough shall be the Returning Officer, and in the other Cases the Returning Officer shall be appointed in the same Manner as if such Places were included amongst the Boroughs mentioned in Schedules (C.) and (D.) of the Act of the Second Year of His late Majesty William the Fourth, Chapter

Forty-five, for which no Persons are mentioned in such Schedules as Returning Officers.

Appointment of Boundary Commissioners, who shall appoint Assistant Commissioners to examine Boundaries of new Boroughs, and report if Enlargement necessary.

45. The following Persons, that is to say, the Right Honourable Lord Viscount Eversley, the Right Honourable Russell Gurney, Sir John Thomas Buller Duckworth, Baronet, Sir Francis Crossley, Baronet, and John Walter, Esquire, of whom not less than Three shall be a Quorum, shall be appointed Boundary Commissioners for England and Wales, and they shall, immediately after the passing of this Act, proceed, by themselves or by Assistant Commissioners appointed by them, to inquire into the temporary Boundaries of every Borough constituted by this Act, with Power to suggest such Alterations therein as they may deem expedient; they shall also inquire into the Boundaries of every other Borough in England and Wales, with a view to ascertain whether the Boundaries should be enlarged, so as to include within the Limits of the Borough all Premises which ought, due Regard being had to Situation or other local Circumstances, to be included therein for the Purpose of conferring upon the Occupiers thereof the Parliamentary Franchise for such Borough; they shall also inquire into the Divisions of Counties as constituted by this Act, and as to the Places appointed for holding Courts for the Election of Members for such Divisions, with a view to ascertain whether, having regard to the natural and legal Divisions of each County, and the Distribution of the Population therein, any and what Alterations should be made in such Divisions or Places; and the said Commissioners shall, with all practicable Despatch, report to One of Her Majesty's Principal Secretaries of State upon the several Matters in this Section referred to them, and their Report shall be laid before Parliament.

The Commissioners and Assistant Commissioners so appointed shall give Notice, by public Advertisement, of their Intention to visit such Counties and Boroughs, and shall appoint a Time for receiving the Statements of any Persons who may be desirous of giving Information as to the Boundaries or other local Circumstances of such Counties and Boroughs, and shall by personal Inspection and such other Means as they shall think necessary, possess themselves of such Information as will enable them to make such Report as herein mentioned.

Corrupt Payment of Rates to be punishable as Bribery.

46. Any Candidate or other Person, either directly or indirectly, corruptly paying any Rate on behalf of any Voter for the Purpose of enabling him to be registered as a Voter, and any Candidate or other Person, either directly or indirectly, paying any Rate on behalf of any Voter for the Purpose of inducing him to vote, or refrain from

from voting, shall be guilty of Bribery, and be punishable accordingly; and any Person on whose Behalf and with whose Privity any such Payment as in this Section is mentioned is made shall also be guilty of Bribery, and punishable accordingly.

Members holding Offices of Profit from the Crown not required to vacate their Seats on Acceptance of another Office.

47. Whereas it is expedient to amend the Law relating to Offices of Profit the Acceptance of which from the Crown vacates the Seats of Members accepting the same, but does not render them incapable of being re-elected: Be it enacted, That where a Person has been returned as a Member to serve in Parliament since the Acceptance by him from the Crown of any Office described in Schedule (G.) to this Act annexed, the subsequent Acceptance by him from the Crown of any other Office or Offices described in such Schedule in lieu of and in immediate Succession the one to the other shall not vacate his Seat.

Copy of Reports of Commissioners to be Evidence.

48. Any Copy of any of the said Reports by the said Commissioners appointed for the Purpose of making Inquiry into the Existence of corrupt Practices in any of the said Boroughs of Totnes, Great Yarmouth, Lancaster, or Reigate, with the Schedules thereof annexed, and purporting to be printed by the Queen's Printer, shall for the Purposes of this Act be deemed to be sufficient Evidence of any such Report of the said Commissioners, and of the Schedules annexed thereto.

Provision in case of separate Registers.

49. Where separate Registers of Voters have been directed to be made in respect of the Divisions of the Borough and Counties divided by this Act into Two Divisions only if a Vacancy take place in the Representation of the said County or Borough before the summoning of a future Parliament, and after the Completion of such separate Registers, such last-mentioned Registers shall, for the Purpose of any Election to fill up such Vacancy, be deemed together to form the Register for the Borough or County; and in the Case of a County divided into more than Two Divisions the Clerk of the Peace shall, from the separate Registers, make out a Register of Voters for the County or original Division of the County in which the Election may be about to take place, in the same Manner as if no new Division or Divisions of such County had been made by this Act.

Temporary Provisions consequent on Formation of new Boroughs.

50. Nothing in this Act contained shall affect the Rights of Persons whose Names are for the Time being on the Register of Voters for any County in which the Boroughs constituted by this Act are situate to vote in any Election for such County in respect of any Vacancy that may take place before the summoning of a

future Parliament, but after such summoning no Person shall be entitled to be registered as a Voter or to vote in any Election for any such County who would not be entitled to be so registered or to vote in case the Qualifications held by him were situate in a Borough other than One constituted by this Act.

General Saving Clause.

51. The Franchises conferred by this Act shall be in addition to and not in Substitution for any existing Franchises; but so that no Person shall be entitled to vote for the same Place in respect of more than One Qualification; and, subject to the Provisions of this Act, all Laws, Customs, and Enactments now in force conferring any Right to vote, or otherwise relating to the Representation of the People in England and Wales, and the Registration of Persons entitled to vote, shall remain in full Force, and shall apply, as nearly as Circumstances admit, to any Person hereby authorized to vote, and shall also apply to any Constituency hereby authorized to return a Member or Members to Parliament as if it had heretofore returned such Members to Parliament and to the Franchises hereby conferred, and to the Registers of Voters hereby required to be formed.

Issue of Writs to County Palatine of Lancaster.

52. The Writs for Elections within the County Palatine of Lancaster shall be issued direct to the Sheriff.

Writs, &c. to be made conformable to this Act.

53. All Writs to be issued for the Election of Members to serve in Parliament, and all Mandates, Precepts, Instruments, Proceedings, and Notices consequent upon such Writs, shall be framed and expressed in such Manner and Form as may be necessary for the carrying the Provisions of this Act into Effect.

Construction of Act.

54. This Act, so far as is consistent with the Tenor thereof, shall be construed as One with the Enactments for the Time being in force relating to the Representation of the People and with the Registration Acts; and in construing the Provisions of the Twenty-fourth and Twenty-fifth Sections of the Act of the Second Year of King William the Fourth, Chapter Forty-five, the Expressions "the Provisions herein-after contained," and "as aforesaid," shall be deemed to refer to the Provisions of this Act conferring Rights to vote as well as to the Provisions of the said Act.

Interpretation of Terms:

55. The following Terms shall in this Act have the Meanings herein-after assigned to them, unless there is something in the Context repugnant to such Construction; (that is to say,)

"Month:" "Month" shall mean Calendar Month:

"Member:" "Member" shall include a Knight of the Shire:

"Election"

"Election" shall mean an Election of a Member or Members to serve in Parliament: "Election:"

"County" shall not include a County of a City or County of a Town, but shall mean any County, Riding, Parts or Divisions of a County returning a Member or Members to serve in Parliament: "County:"

"Borough" shall mean any Borough, City, Place, or Combination of Places, not being a County as herein-before defined, returning a Member or Members to serve in Parliament: "Borough:"

"Dwelling House" shall include any Part of a House occupied as a separate Dwelling, and separately rated to the Relief of the Poor: "Dwelling House:"

"The Registration Acts" shall mean the Act of the Sixth Year of the Reign of Her present Majesty, Chapter Eighteen, and the Act of the Twenty-eighth Year of the Reign of Her present Majesty, Chapter Thirty-six, and any other Acts or Parts of Acts relating to the Registration of Persons entitled to vote at and Proceedings in the Election of Members to serve in Parliament for England and Wales. "The Registration Acts."

SCHEDULES.

SCHEDULE (A.)

Boroughs to return One Member only in future Parliaments.

Honiton.	Knaresborough.	Lewes.
Thetford.	Andover.	Cirencester.
Wells.	Leominster.	Bodmin.
Evesham.	Tewkesbury.	Great Marlow.
Marlborough.	Ludlow.	Devizes.
Harwich.	Ripon.	Hertford.
Richmond.	Huntingdon.	Dorchester.
Lymington.	Maldon.	Lichfield.
Chippenham.	Buckingham.	Cockermouth.
Bridport.	Newport (Isle of Wight).	Bridgnorth.
Stamford.		Guildford.
Chipping Wycombe.	New Malton.	Chichester.
Poole.	Tavistock.	Windsor.

SCHEDULE (B.)

New Boroughs to return One Member each.

County.	Places to be Boroughs.	Temporary Contents or Boundaries.
Durham - -	Darlington -	Townships of— Darlington. Haughton-le-Skerne. Cockerton.
	Hartlepool -	Municipal Borough of Hartlepool. Townships of— Throston. Stranton. Seaton Carew.
	Stockton -	Municipal Borough of Stockton, and the Township of Thornaby.
Kent - -	Gravesend -	Parishes of— Gravesend. Milton. Northfleet.

County.	Places to be Boroughs.	Temporary Contents or Boundaries.
Lancashire -	Burnley -	Townships of— Burnley. Habergham Eaves.
Lancashire and Cheshire.	Staleybridge -	Municipal Borough of Staleybridge. Remaining Portion of Township of Dukinfield. Township of Stalley. The District of the Local Board of Health of Mossley.
Staffordshire -	Wednesbury -	Parishes of— Wednesbury. West Bromwich. Tipton.
Yorkshire, North Riding.	Middlesborough	Township of Linthorpe, and so much of the Townships of Middlesborough, Ormesby, and Eston, as lie to the North of the Road leading from Eston towards Yarm.
Do. West Riding	Dewsbury -	The Townships of— Dewsbury. Batley. Soothill.

SCHEDULE (C.)

New Boroughs formed by Division of the Borough of the Tower Hamlets.

Name of Borough.	Places comprised in the Borough.
Borough of Tower Hamlets - -	The Parish of St. George's-in-the-East. The Hamlet of Mile End Old Town. The Poplar Union. The Stepney Union. The Whitechapel Union. The Tower of London.
Borough of Hackney -	The Parish of St. John, Hackney. The Parish of St. Matthew, Bethnal Green. The Parish of St. Leonard, Shoreditch.

SCHEDULE (D.)

Counties to be divided.

Name of County to be divided.	Division.	Parts temporarily comprised in such Division.	Places temporarily appointed for holding Courts for Election of Members.
CHESHIRE -	North Cheshire	The Hundred of— Macclesfield.	Macclesfield.
	Mid-Cheshire	The Hundreds of— Bucklow, and Northwich.	Knutsford.
	South Cheshire	The Hundreds of— Broxton, Eddisbury, Nantwich, and Wirrall, And also the City and County of the City of Chester.	Chester.
DERBYSHIRE -	North Derbyshire.	The Hundred of— High Peak, and The Wapentake of Worksworth.	Bakewell.
	South Derbyshire.	The Hundreds of— Repton and Gresley, Morleston and Litchurch, and Appletree.	Derby.
	East Derbyshire.	The Hundred of— Scarsdale.	Chesterfield.

	Name of County to be divided.	Division.	Parts temporarily comprised in such Division.	Places temporarily appointed for holding Courts for Election of Members.
5	DEVONSHIRE -	North Devonshire.	The Hundreds of— Bampton, Braunton, Crediton, Frenington, Halberton, Hartland, Hayridge, Henyock, North Tawton, Shebbear, Sherwill, South Molton, Tiverton, Winkleigh, Witheridge, and West Budleigh.	South Molton.
		East Devonshire.	The Hundreds of— Axminster, Cliston, Colyton, East Budleigh, Exminster, Ottery St. Mary, Haytor, Teignbridge, and also The Castle of Exeter and the Hundred of Wonford, except such Parts of the Hundred as are included in the Limits of the City and County of Exeter by the 2nd and 3rd Will. IV. Cap. 64.	Castle of Exeter.
		South Devonshire.	The Hundreds of— Black Torrington, Coleridge, Ermington, Lifton, Plympton, Roborough, Stanborough, and Tavistock.	Plymouth.

Name of County to be divided.	Division.	Parts temporarily comprised in such Division.	Places temporarily appointed for holding Courts for Election of Members.
Essex - -	North West Essex.	The Hundreds of— Freshwell, Uttlesford, Clavering, Dunmow, Harlow, Waltham, Ongar, and Chelmsford.	Chelmsford.
	North East Essex.	The Hundreds of— Hinckford, Lexden, Tendring, Winstree, Witham, Thurstable, and Dengie.	Braintree.
	South Essex -	The Hundreds of— Becontree, Chafford, Barstable, and Rochford, With the Liberty of Havering.	Brentwood.
West Kent -	West Kent -	The Lathe of Sutton at Hone.	Blackheath
	Mid Kent -	Remainder of the Division	Maidstone.
North Lancashire.	North Lancashire.	The Hundreds of— Lonsdale, Amounderness, and Leyland.	Lancaster.
	North East Lancashire.	The Hundred of— Blackburn.	Blackburn.
South Lancashire.	South East Lancashire.	The Hundred of— Salford.	Manchester.
	South West Lancashire.	The Hundred of— West Derby.	Liverpool.

Name of County to be divided.	Division.	Parts temporarily comprised in such Division.	Places temporarily appointed for holding Courts for Election of Members.
LINCOLN -	North Lincolnshire.	The Wapentakes, Hundreds, or Sokes of— Manley, Yarborough, Bradley Haverstoe, Ludborough, Walshcroft, Aslacoe, Corringham, Louth Eske, and Calceworth, So much as lies within Louth Eske.	Glanford Brigg.
	Mid-Lincolnshire.	The Wapentakes, Hundreds, or Sokes of— Well, Lawress, Wraggoe, Gartree, Candleshoe, Calceworth, Except so much as lies within the Hundred of Louth Eske, Hill, Bolingbroke, Horncastle, Boothby Graffoe, and Langoe and Lincoln Liberty.	
	South Lincolnshire.	The Wapentakes, Hundreds, or Sokes of— Loveden, Flaxwell, Aswardhurn, Winnibriggs and Threo, Aveland, Beltisloe, Ness, Grantham Soke, Skirbeck, Kirton, and Holland Elloe.	Sleaford.

Name of County to be divided.	Division.	Parts temporarily comprised in such Division.	Places temporarily appointed for holding Courts for Election of Members.	
Norfolk -	West Norfolk	The Hundreds of— Wayland, Launditch, South Greenhoe, Gallow, Brothercross, Smithdon, Freebridge Lynn, Freebridge Marshland, Clackclose, and Grimshoe.	Swaffham.	5 10 15
	North East Norfolk.	The Hundreds of— East Flegg, West Flegg, Happing, Tunstead, Erpingham (North), Erpingham (South), Eynsford, Holt, and North Greenhoe.	Aylsham.	 20 25
	South East Norfolk.	The Hundreds of— Walsham, Blofield, Henstead, Humbleyard, Loddon, Clavering, Diss, Deepwade, Earsham, Guiltcross, Shropham, Taverham, Forehoe, and Mitford.	Norwich	 30 35 40
Somerset-shire.	East Somerset	The existing Sessional Divisions of— Long Ashton, Keynsham, Weston,	Bath.	 45

Name of County to be divided.	Division.	Parts temporarily comprised in such Division.	Places temporarily appointed for holding Courts for Election of Members.
SOMERSETSHIRE—*cont.*	East Somerset —*cont.*	Axbridge, and Temple Cloud, As established by virtue of the Order of Her Majesty's Justices of the Peace for the County of Somerset, and also all such other Places in the said County as are locally situated within or are surrounded by the said Sessional Divisions, or any of them, and are not mentioned in the said Order.	
	Mid Somerset	The existing Sessional Divisions of— Crewkerne, Yeovil, Somerton, Shepton Mallet, Wincanton, Wells, Frome, and Kilmersdon, As established by virtue of the Order of Her Majesty's Justices of the Peace for the said County of Somerset, and also all such other Places in the said County as are locally situated within or are surrounded by the said Sessional Divisions, or any of them, and are not mentioned in the said Order.	Wells.
	West Somerset	The existing Sessional Divisions of— Dunster, Dulverton, Williton, Wiveliscombe, Bishop's Lydeard,	Taunton.

Name of County to be divided.	Division.	Parts temporarily comprised in such Division.	Places temporarily appointed for holding Courts for Election of Members.
SOMERSETSHIRE—*cont.*	West Somerset —*cont.*	Wellington, Taunton, Bridgwater, and Ilminster, As established by virtue of the Order of Her Majesty's Justices of the Peace for the said County of Somerset, and also all such other Places as are locally situated within or are surrounded by the said Sessional Divisions, or any of them, and are not mentioned in the said Order.	
STAFFORDSHIRE.	North Staffordshire.	The Hundreds of— Totmonslow and Pirehill, North.	Stoke-upon-Trent.
	West Staffordshire.	The Hundreds of— Pirehill, South. Cuttlestone, and Seisdon.	Stafford.
	East Staffordshire.	The Hundreds of— Offlow (North). Offlow (South).	Lichfield.
EAST SURREY	East Surrey -	The Hundred of— Tandridge, and So much of the Hundred of Wallington as includes and lies to the East of the Parishes of Croydon and Sanderstead, and so much of the Hundred of Brixton as includes and lies to the East of the Parishes of Streatham, Clapham, and Lambeth.	Croydon.
	Mid Surrey -	The Remainder of the present Division.	Kingston-upon-Thames.

Name of County to be divided.	Division.	Parts temporarily comprised in such Division.	Places temporarily appointed for holding Courts for Election of Members.
YORKSHIRE, WEST RIDING.	Northern Division.	The Hundreds of— Ewecross and Staincliffe, Claro, Skyrack, Barkstone Ash, and Osgoldcross.	Leeds.
	Mid Division	The Hundred of— Morley.	Bradford.
	Southern Division.	The Hundreds of— Agbrigg, Strafforth and Tickhill, and Staincross.	Wakefield.

SCHEDULE (E.)

Form No. 1.

Claim of Lodger.

Borough of .

To the Overseers of the Parish of .

I hereby claim to be inserted in the List of Voters in respect of the Occupation of the under-mentioned Lodgings, and the Particulars of my Qualification are stated in the Columns below :

Christian Name and Surname at full length.	Profession, Trade, or Calling.	Description of Lodgings.	Description of House in which Lodgings situate, with Number, if any, and Name of Street.	Name, Description, and Residence of Landlord or other Person to whom Rent paid.

I the above-named hereby declare that I have been during the Twelve Months immediately preceding the last Day of July in this Year, the Occupier as sole Tenant of the above-mentioned Lodgings, and that I have resided therein during the Twelve Months immediately preceding the said last Day of July, and that such Lodgings are of a clear yearly Value, if let unfurnished, of Ten Pounds or upwards.

Dated the Day of

Signature of Claimant _____

Witness to the Signature of the said _____

And I certify my Belief in the Accuracy of the above Claim. _____

Name of Witness _____

Residence and Calling _____

This Claim must bear Date the First Day of August or some Day subsequent thereto, and must be delivered to the Overseers after the last Day of July, and on or before the Twenty-fifth Day of August.

Form No.2.

List of Claimants in respect of Lodgings to be published by the Overseers.

The following Persons claim to have their Names inserted in the List of Persons entitled to vote in the Election of a Member [*or* Members] for the City [*or* Borough] of _____

Christian Name and Surname of each Claimant at full Length.	Profession, Trade, or Calling.	Description of Lodgings.	Description of House in which Lodgings situate, with Number, if any, and Name of Street.	Name, Description, and Residence of Landlord or other Person to whom Rent paid.

(Signed) *A.B.*, *C.D.*, *E.F.* } Overseers of *&c.*

SCHE-

SCHEDULE (F.)

To *A.B.*

City [*or* Borough of]

Take Notice that you will not be entitled to have your Name inserted in the List of Voters for this City [*or* Borough] now about to be made, in respect of the Premises in your Occupation in [*Street or Place*] unless you pay, on or before the Twentieth Day of July next all the Poor Rates which have become due from you in respect of such Premises up to the Fifth Day of January last, amounting to £ , and and if you omit to make such Payment you will be incapable of being on the next Register of Voters for this City [*or* Borough].

Dated the Day of June 18 .

C.D., *E.F.* } Overseers
or
G.H. { Assistant Overseer
or
I.K. Collector.

SCHEDULE (G.)

Offices of Profit referred to in this Act.

Lord High Treasurer.

Commissioner for executing the Offices of Treasurer of the Exchequer of Great Britain and Lord High Treasurer of Ireland.

President of the Privy Council.

Vice-President of the Committee of Council for Education.

Comptroller of Her Majesty's Household.

Treasurer of Her Majesty's Household.

Vice-Chamberlain of Her Majesty's Household.

Equerry or Groom in Waiting on Her Majesty.

Any Principal Secretary of State.

Chancellor and Under Treasurer of Her Majesty's Exchequer.

Paymaster General.

Postmaster General.

Lord High Admiral.

Commissioner for executing the Office of Lord High Admiral.

Commissioner of Her Majesty's Works and Public Buildings.

President of the Committee of Privy Council for Trade and Plantations.

Chief Secretary for Ireland.

Commissioner for administering the Laws for the Relief of the Poor in England.

Chancellor of the Duchy of Lancaster.

Judge Advocate General.

Attorney General for England.

Solicitor General for England.

Lord Advocate for Scotland.

Solicitor General for Scotland.

Attorney General for Ireland.

Solicitor General for Ireland.

Representation of the People.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON CONSIDERATION OF BILL AS AMENDED]

Further to amend the Laws relating to the Representation of the People in England and Wales.

(Prepared and brought in by Mr. Chancellor of the Exchequer, Mr. Secretary Walpole, and Secretary Lord Stanley.)

Ordered, by The House of Commons, *to be Printed,* 12 *July* 1867.

[Bill 250.]

Under 5 oz.

517

LORDS AMENDMENTS

TO THE

REPRESENTATION OF THE PEOPLE BILL.

Note.—*The Page and Line refer to the Bill* (227.) *as printed by the Lords.*

Page 2.

Line 10. After ("all") insert ("Poor")

Line 11. and Line 12. Leave out ("for the Relief of the Poor")

Line 29. After ("House") insert ("or being One and the same Set of Chambers or Rooms not separately rated")

Leave out Clause 5.

Page 3.

Line 26. After ("all") insert ("Poor")

Line 27. Leave out ("for the Relief of the Poor")

Page 5.

After Clause 8. insert Clauses A. and B.

Restriction as to Number of Votes in certain Counties and Boroughs; and in the City of London.

CLAUSE A. At a contested Election for any County or Borough represented by Three Members no Person shall vote for more than Two Candidates.

CLAUSE B. At a contested Election for the City of London no Person shall vote for more than Three Candidates.

Line 8. After ("for") insert ("all or any of the Purposes of the Election")

Page 6.

Line 9. Leave out ("(J.)") and insert ("(I.)")

Line 24. Leave out ("Eastern") and insert ("North-eastern")

Page 7.

Line 23. and Line 24. Leave out ("and shall return One Member to serve in future Parliaments,")

Line 27. Leave out from the Second ("the") to the End of the Clause, and insert ("in all future Parliaments the Borough of Chelsea, named in the said Schedule, shall return Two Members, and each of the other Boroughs named in the said Schedule shall return One Member to serve in Parliament")

Page 9.

Line 35. Leave out ("(F.)") and insert ("(E.)")

Page 10.

After Clause 27 insert Clauses C., D., E., F., and G.

Power to vote by Voting Papers.

CLAUSE C. Any Voter for a County or Borough may, in compliance with the Provisions herein-after contained, give his Vote by a Voting Paper instead of personally.

Regulations as to Voting Papers.

CLAUSE D. The following Regulations shall be made with respect to Voting Papers under this Act; that is to say,

1. The Returning Officer of every County or Borough shall, on the Occasion of every Election, provide a Book or Books containing a sufficient Number of Voting Papers for the Use of the Voters at such Election:
2. Each Voting Paper shall be attached to a Counterfoil bound up in the Book in which it is contained, and shall be in the Form numbered (1.) in the Schedule (F.) to this Act annexed:
3. On the Application of any Voter in Writing, under his own Hand, in the Form numbered (2) in the said Schedule (F.) transmitted by Post or otherwise, and received by the Returning Officer after the Issue of the Writ for the Election, and before the Day of Polling, the Returning Officer shall, in manner herein-after mentioned, transmit to such Voter a Voting Paper:
4. Previously to transmitting a Voting Paper to a Voter the Returning Officer shall enter the Name and Address of the Voter and his Number in the Register of Voters on the Voting Paper, and also on the Counterfoil:
5. On the Receipt of the Voting Paper the Voter shall enter therein the Name or Names of the Candidate or Candidates for whom he is entitled and intends to vote, and shall subscribe the Voting Paper with his own Name:
6. The Entry of the Name or Names of the Candidate or Candidates as aforesaid and the Subscription by the Voter of his own Name shall be made in the Presence of a Justice of the Peace, who shall retain the Voting Paper, and cause it to be in manner herein-after mentioned transmitted without Delay to the Returning Officer:
7. The Identity of the Voter with the Person named in the Voting Paper by the Returning Officer shall be attested if the Voter is personally known to the Justice by such Justice, or otherwise by some Person being a Householder and personally known to the Justice:

8. The

8. The Transmission of a Voting Paper to a Voter by the Returning Officer, or to the Returning Officer by the Justice of the Peace, may be by Post, and if by Post shall be Post-free; but any other Mode of Transmission may be adopted, in the Case of the Returning Officer, upon the Application or with the Consent in Writing of the Voter, and in the Case of the Justice of the Peace at his Discretion, if he think such other Mode more speedy than and equally secure as the Transmission by Post:

9. The Returning Officer shall take proper Means for securing the prompt Delivery to him of Voting Papers, whether sent by Post or otherwise, and shall give Notice of the Poll Booth at which he will enter all Votes that are given by Voting Papers:

10. The Returning Officer or his Deputy shall, during the Hours of polling on the Day of polling, publicly open at the Booth aforesaid all Voting Papers transmitted to him, and read out from each Voting Paper the Vote given for the Candidates therein named, and duly record such Vote in the Poll Book, and Votes so recorded shall be of the same Validity as if they had been given personally:

11. The Returning Officer or his Deputy shall reject any Voting Paper that on comparison with the Book of Counterfoils does not tally therewith, or which contains the Names of more Candidates than the Voter is entitled to vote for, but, except on the Grounds aforesaid, he shall not reject for Informality any Voting Paper that contains the Surname of any Candidate for whom the Voter is entitled to vote, and that purports to have been subscribed by the Voter with his own Name in the Presence of a Justice of the Peace:

12. All Voting Papers the Votes in respect of which are recorded at the Election or which are rejected for the Reasons aforesaid shall be filed by the Returning Officer; and any Person shall be allowed to examine such Voting Papers and take Copies thereof on Payment of a Fee not exceeding One Shilling:

13. A Voter at an Election shall not be entitled to more than One Voting Paper; and when he has signed a Voting Paper in favour of any Candidate at any Election he shall not be entitled to vote personally at such Election:

14. The Returning Officer shall, on the Occasion of an Election, give public Notice in some Newspaper circulating in the County or Borough within his Jurisdiction, and in such other Manner, if any, as he thinks fit, of the Manner in

which Applications for Voting Papers are to be made, and of the Address to which such Applications are to be sent:

15. No Person, except the Returning Officer, his Deputy or Clerks, shall be entitled to inspect the Counterfoils of Voting Papers before the Day of Polling, or to ask the Names of the Persons who have applied for Voting Papers; and it shall be the Duty of the Returning Officer, his Deputies and Clerks, to give no Information until the Day of Polling with respect to the Names of the Persons who have applied for Voting Papers.

Offences with respect to Voting Papers.

CLAUSE E. If any Person forges any Voting Paper, or attests or transmits any Voting Paper knowing it to be forged, he shall be guilty of a Misdemeanor.

If any Person signs the Name of any other Person to an Application for a Voting Paper, he shall be guilty of a Misdemeanor.

If any Person fradulently defaces, destroys, withholds, or alters or abstracts any Voting Paper, he shall be guilty of a Misdemeanor.

If any Person wilfully delays the Transmission of a Voting Paper to the Returning Officer with the Intent of preventing the Vote contained in such Voting Paper being recorded, and such Vote by means of such wilful Delay is not recorded, he shall be guilty of a Misdemeanor.

If at any Election any Person who has signed a Voting Paper afterwards votes personally at the same Election, he shall be guilty of a Misdemeanor, and his Vote shall be invalid.

Question to Voter.

CLAUSE F. Instead of the Second Question authorized to be put to a Voter in pursuance of the Eighty-first Section of the Act of the Sixth Year of the Reign of Her present Majesty, Chapter Eighteen, the following Question shall be substituted:

"Have you already voted personally or by Voting Paper at this
"Election for [*describing the County,*
"*Borough, &c. for which the Election is held*]."

and the said Section shall be construed as if the above Question were inserted therein in place of the said Second Question.

Expenses of Voting Papers.

CLAUSE G. All Expenses incurred by any Returning Officer in respect of Voting Papers under this Act, on the Occasion of any Election for a County or Borough, shall be deemed to be Expenses incurred in respect of Polls and Poll Clerks, and shall be defrayed accordingly.

Page

Page 11.

Line 6. Leave out ("(E.)") and insert ("(G.)")

After Clause 29. insert Clause H.

CLAUSE H. Whereas several of the Hundreds mentioned in the Third Column of the said Schedule (D.), and therein assigned to Mid-Lincolnshire, are situate in the Parts of Lindsey, and others are situate in the Parts of Kesteven, and the Liberty of Lincoln, consisting of the City and County of the City of Lincoln, is situate partly in the Parts of Lindsey and partly in the Parts of Kesteven, and there are separate Clerks of the Peace for the said Parts of Lindsey and Kesteven: In forming the Register for the said Division of Mid-Lincolnshire the Clerk of the Peace of the Parts of Lindsey shall do and perform all such Duties as are by Law required to be done by Clerks of the Peace in regard to such of the Hundreds assigned to Mid-Lincolnshire as aforesaid as are situate within the said Parts of Lindsey, and in regard to so much of the Liberty of Lincoln aforesaid as is situate within the said Parts of Lindsey; and the Clerk of the Peace of the Parts of Kesteven shall do and perform all such Duties as are by Law required to be done by Clerks of the Peace in regard to such of the said Hundreds assigned to Mid-Lincolnshire as aforesaid as are situate within the said Parts of Kesteven, and in regard to so much of the Liberty of Lincoln aforesaid as is situate within the said Parts of Kesteven. Provision as to Clerks of Peace in Parts of Lincolnshire.

Page 12.

Line 5. After ("named") insert ("Provided that the Justices of the Peace for the Isle of Ely, assembled as aforesaid, shall carry into effect the Provisions of this Section so far as regards the said Isle of Ely")

Line 14. After ("District") insert ("and in Cases where a Parliamentary Borough is constituted of Two or more Towns, the Distance between Two of which shall exceed Two Miles, there shall be provided a Booth or Room for taking the Poll in each of such Towns")

Page 14.

Line 19. After (""City"") insert ("and the Overseers of every Parish shall omit from the Lists made out by them of Persons entitled to vote for the Borough and County in which such Parish is situate the Names of all Persons who have received Parochial Relief within Twelve Calendar Months next previous to the last Day of July in the Year in which the List is made out.

Line 37. Leave out ("Three") and insert ("Five"), and after ("Day") insert ("Ascension Day")

Page 15.

Line 18. Leave out ("Section") and insert ("and Thirty-second Sections")

Page 16.

Line 15. After ("Wales") insert ("except such Boroughs as "are wholly disfranchised by this Act")

Line 27. Leave out ("And the") and insert ("The")

Line 36. After the Second ("and") insert ("the said Commis- "sioners or Assistant Commissioners")

Line 37. Leave out ("they") and insert ("the Commis- "sioners")

Line 38. Leave out ("them") and insert ("the Commis- "sioners")

Line 40. Leave out ("Candidate or other")

Line 41. Leave out ("corruptly"), and also leave out ("Voter") and insert ("Ratepayer")

Line 42. After ("Voter") insert ("thereby to influence his Vote at any future Election")

Page 17.

After Clause 46. insert Clauses I. to K.

Returning Officer, &c. acting as Agent guilty of Misdemeanor.

CLAUSE I. No Returning Officer for any County or Borough, nor his Deputy, nor any Partner or Clerk of either of them, shall act as Agent for any Candidate in the Management or Conduct of his Election as a Member to serve in Parliament for such County or Borough; and if any Returning Officer, his Deputy, the Partner or Clerk of either of them, shall so act, he shall be guilty of a Misdemeanor.

Demise of the Crown not to dissolve Parliament.

CLAUSE K. Whereas great Inconvenience may arise from the Enactments now in force limiting the Duration of the Parliament in being at the Demise of the Crown: Be it therefore enacted, That the Parliament in being at any future Demise of the Crown shall not be determined or dissolved by such Demise, but shall continue so long as it would have continued but for such Demise, unless it should be sooner prorogued or dissolved by the Crown, anything in the Act passed in the Sixth Year of Her late Majesty Queen Anne, Chapter Seven, in any way notwithstanding.

Page

Page 17.

Line 10. Leave out (" (G.) ") and insert (" (H.) ")

Page 18.

Line 5. After (" Act ") insert—

In the Case of a Parish wholly or partly situate within the Limits of a Borough constituted by this Act, the Revising Barrister in revising at any Time before the summoning of a future Parliament the List of Voters for the County in which such Parish is situate shall write the Word " Borough " opposite to the Name of each Voter whose Qualification in respect of the Premises described in the List would not, after the summoning of a future Parliament, entitle such Voter to vote for the County; and at any Election taking place after the summoning of a future Parliament the Vote of every Person against whose Name the Word " Borough " is written, if tendered in respect of such Qualification, shall be rejected by the Returning Officer.

Leave out Clause 52. and insert Clause L.

Issue of Writs to County Palatine of Lancaster.

Clause (L.) From and after the passing of this Act, the County Palatine of Lancaster shall cease to be a County Palatine, in so far as respects the Issue, Direction, and Transmission of Writs for the Election of Members to serve in Parliament for any Division of the said County or for any Borough situate in the said County; and such Writs may be issued under the same Seal, be directed to the like Officer, and transmitted in the like Manner, under, to, and in which Writs may be issued, directed, and transmitted in the Case of Divisions of Counties and Boroughs not forming Part of or situate in a County Palatine; and any Writ issued, directed, and transmitted in manner directed by this Section shall be valid accordingly.

Line 24. After (" Writs ") insert (" or relating to the Registration of Voters ")

Line 35. After (" Act ") insert (" Provided that so much of Clause Seventy-eight of the last-mentioned Act as provides that nothing in that Act contained shall entitle any Person to vote in the Election of Members to serve in Parliament for the City of Oxford or Town of Cambridge in respect of the Occupation of any Chambers or Premises in any of the Colleges or Halls of the Universities of Oxford or Cambridge shall not apply to the Franchises conferred by this Act ") and also insert Clause (M.)

Saving Clause as to Dissolution of Parliament.

CLAUSE M. Notwithstanding anything in this Act contained, in the event of a Dissolution of Parliament taking place, and Writs being issued, before the First Day of January One thousand eight hundred and sixty-nine for the Election of Members to serve in a new Parliament, such Election shall take place in the same Manner in all respects as if no Alteration had been made by this Act in the Franchises of Electors, or in the Places authorized to return a Member or Members to serve in Parliament, with this Exception, that the Boroughs by this Act disfranchised shall not be entitled to return Members to serve in any such new Parliament.

Page 19.

Line 19. After ("Wales") insert—

"Poor Rate." ("Where a Borough Rate or County Rate is levied as a separate Rate and not paid out of the Poor Rate, the Term "Poor Rate" shall, for the Purposes of the Franchises conferred by this Act, be deemed to include such Borough Rate or County Rate.")

Page 20.

Line 18. Leave out ("*to return One Member each*")
After Line 20. insert—

MIDDLESEX - -	Chelsea -	Parishes of Chelsea— Fulham, Hammersmith, and Kensington.

Line 25. Second Column. Leave out ("Hartlepool") and insert ("The Hartlepools")

Page 23. Third Column.

Line 9. Leave out ("Frenington") and insert ("Fremington")
Line 13. Leave out ("Henyock") and insert ("Hemyock")
Line 41. Leave out ("Coleridge")
Line 46. After ("and") insert ("Coleridge, and")

Page 29.

Insert after Schedule (D.) Schedule (F.) from Page 31., altering it to Schedule (E.), after which insert new Schedule (F.)

SCHE-

Counterfoil.

No. 1.

Number on Register.	Name and Address of Voter.	When sent.
200	*A.B.*, 16, High Street, Clerkenwell.	April 10, 1867.

SCHEDULE (F.)

FORM No. 1.

VOTING PAPER, No. 1.

County of
or
City [*or* Borough] of } Election, 18 .

No. on Register.	Name and Address of Voter.	Qualification on the Register.
200	*A.B.*, 16, High Street, Clerkenwell.	Dwelling House.

This Superscription must be filled in by or under the Direction of the Returning Officer from the Register of Voters.

I, the above-named *A. B.*, vote for * _____ to serve as a Member or Members of Parliament for the County or Borough of _____

* To be filled in by the Voter.

(Signed) *A.B.*

Signed in my Presence by the above-named Voter, *A.B.*, known personally to me,

C.D.,
Justice of the Peace
for

or

Signed in my Presence by the above-named Voter, *A.B.*, accompanied by *E.F.*, who is a Householder personally known to me, and which *E.F.* testified to me that the Voter *A.B.* is the same Person as the *A.B.* named in the Superscription of the Voting Paper.

C.D.,
Justice of the Peace
for

Endorsement on Voting Paper.†

Voting Paper No. 1.
To the Returning Officer
of the County or Borough
of at .

† To be filled in by or under the Direction of the Returning Officer.

Note.—Take notice, that if you sign this Voting Paper and afterwards vote personally, you will be guilty of a Misdemeanor.

FORM No. 2.

Application by Voter for Voting Paper.

No.

County of
or
City [*or* Borough] of

Election, 18 .

No. on Register.	Name of Voter.	Qualification on the Register.

Sir,

I request you to forward to me a Voting Paper, to enable me to vote in the approaching Election.

Dated the Day of 18 .

Signed _____ Name at full Length.

_____ Address.

_____ Post Town.

_____ County.

NOTE.—This Form must be filled up by the Voter, or by some Person on his Behalf, with sufficient Particularity to enable the Returning Officer readily to identify the Name on the Register, and may be sent by the Post, or delivered to the Returning Officer or his Deputy.

Endorsement on
Application for Voting Paper.

To the Returning Officer
of the County or Borough
of at .

Page 29.

Line 20. Leave out ("(E.)") and insert ("(G.)")

Page 31.

Line 21. Leave out ("(G.)") and insert ("(H.)")

LORDS AMENDMENTS

TO THE

REPRESENTATION OF THE PEOPLE BILL.

Ordered, by The House of Commons, *to be Printed,*
6 *August* 1867.

[Bill 301.]

Under 2 *oz.*

Representation of the People (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

Preliminary.

1. Short Title of Act.
2. Application of Act.
3. Interpretation of Terms.
4. County Franchise reduced to Eight Pounds.

Borough Franchise.

5. Occupation Franchise in Boroughs reduced to Four Pounds.

Lodger Franchise.

6. Lodger Franchise for Voters in Boroughs.
7. Regulations as to Registration.
8. New Rights of voting, when to take effect.
9. Places named in Schedule (A.) to have a Share in Election of Member.
10. No Person shall vote for County Members in respect of Premises in Borough.
11. Boundaries of Towns constituted Boroughs to form Part of Districts of Boroughs.

Assimilation of Parliamentary and Municipal Boundaries.

12. Parts within Municipal and outside Parliamentary Bounds included in Parliamentary Boundaries of Boroughs.
13. Boroughs named in Schedule (A.) to be united into Districts of Boroughs.

Registration of Voters.

14. Clerk of Town Commissioners to be Town Clerk under Registration Acts.
15. Provisions of Registration Acts to apply to new Boroughs.

Regulations respecting Districts of Boroughs.

16. Regulations as to Groups of Boroughs.
17. Existing Election Laws to apply to new Boroughs.
18. Certain Provisions of the 13 & 14 Vict. c. 68. to apply to Boroughs in Districts other than chief Boroughs in like Manner as to such Boroughs.
19. Writs, &c. to be made conformable to this Act.
20. Precepts and Notices, &c. to be adapted to this Act.
21. Schedules to be Part of Act.

SCHEDULES.

A

BILL

TO

Amend the Representation of the People in Ireland.

WHEREAS it is expedient to extend the Right of voting at Elections of Members of Parliament for Counties and Boroughs in Ireland, and to amend the Laws relating to the Representation of the People in Ireland: Preamble.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited for all Purposes as "The Franchise (Ireland) Act, 1867." Short Title of Act.

2. This Act shall apply to Ireland only. Application of Act.

3. The following Terms in this Act have the Meanings hereinafter assigned to them, unless there is something in the Context repugnant to such Construction; (that is to say,) Interpretation of Terms.

"Month" means Calendar Month: "Month:"

"Member" includes a Knight of the Shire: "Member:"

"County" does not include a County of a City or County of a Town: "County:"

"Borough:" "Borough" extends to and means every County of a City and County of a Town, and every Town returning or united with other Boroughs in returning a Member or Members to serve in Parliament:

"Chief Borough:" "Chief Borough" means the Borough which in a District of Boroughs gives the Name to the District:

"Contributory Borough:" "Contributory Borough" means a Borough in a District of Boroughs other than the Chief Boroughs:

"Municipal Borough" "Municipal Borough" shall mean any Borough under a Town Council:

"Registration Acts:" "The Registration Acts" mean the Act of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Seventy-nine, and all other Acts or Parts of Acts relating to the Registration or Qualification of Persons entitled to vote at the Election of Members to serve in Parliament for Ireland, as amended by this Act:

"Lord Lieutenant in Council:" "The Lord Lieutenant in Council" means the Lord Lieutenant or other Chief Governor or Governors of Ireland, acting by and with the Advice of Her Majesty's Privy Council in Ireland:

"Town Clerk." "Town Clerk" means, in Towns having a Town Council, the Town Clerk; in Towns under the Provisions of the Towns Improvement (Ireland) Act, 1854, the Clerk of the Town Commissioners; in Towns under the Statute passed in the Ninth Year of the Reign of King George the Fourth, Chapter Eighty-two, the Clerk of the Paving, Lighting, and Cleansing Commissioners; in Towns under Improvement or Municipal Commissioners, the Clerk to such Commissioners; and in Towns under none of the Authorities as before mentioned, the Collector of the Grand Jury Cess.

County Franchise reduced to Eight Pounds.

4. The Occupation of Lands, Tenements, and Hereditaments rated at the net annual Value of *Eight Pounds* or upwards shall, for the Purpose of qualifying any Person to register for any Election of a Member or Members to serve in Parliament for any County in Ireland to be held after the passing of this Act, have the same Effect as the Occupation of Lands, Tenements, and Hereditaments rated at the annual Value of Twelve Pounds had before the passing of this Act, and in all Provisions relating to such Occupation, Registration, and voting, or in all Lists, Returns, Precepts, Notices, or other Forms made or issued in pursuance of the Provisions of the said Acts, the Words *Eight Pounds* shall, when necessary, be substituted for the Words Twelve Pounds.

Borough

Borough Franchise.

Occupation Franchise in Boroughs reduced to FourPounds.

5. The Occupation of Lands, Tenements, or Hereditaments rated at the net annual Value of *Four Pounds or upwards* shall, for the Purpose of qualifying any Person to register and vote at any Election of a Member or Members to serve in Parliament for any Borough in Ireland to be held after the *passing of this Act*, have the same Effect as the Occupation of Lands, Tenements, and Hereditaments rated at the annual Value of Eight Pounds had before the passing of this Act; and in all Provisions relating to such Occupation, Registration, or voting, and in all Lists, Returns, Precepts, Notices, or other Forms made or issued in pursuance of the Provisions of the said Acts, the Words "*Four Pounds*" shall, when necessary, be substituted for the Words "Eight Pounds."

Lodger Franchise.

Lodger Franchise for Voters in Boroughs.

6. Every Man shall be entitled to be registered as a Voter, and when registered to vote for a Member or Members to serve in Parliament for a Borough, who is qualified as follows; (that is to say,)

1. Is of full Age, and not subject to any legal Incapacity; and
2. Is on the *First Day of July* in any Year the Occupier of Lodgings within the Borough, and during the *Twelve Months* immediately preceding has been in the Occupation of the same Lodgings, such Lodgings being Part of a Dwelling House, and of a clear yearly Value, if let unfurnished, of *Ten Pounds* or upwards; and
3. Has resided in such Lodgings during the *Six Months* immediately preceding the said *First Day of July;* and has on or before the *Twentieth Day of July* in each Year claimed to be registered as a Voter at the next ensuing Registration of Voters.

Regulations as to Registration.

7. The following Regulations shall be observed with respect to the Registration of Persons claiming to be registered in respect of the Occupation of Lodgings:

1. In Boroughs the Claim of every Person desirous of being registered as a Voter for a Member or Members to serve for such Borough in respect of the Occupation of Lodgings shall be in the Form in Schedule (B). to this Act annexed, and have annexed thereto a Declaration in the Form and be certified in manner in the said Schedule mentioned, or as near thereto as Circumstances admit.

New Rights of Voting, when to take effect.

8. Every Person on whom a Right of voting at an Election of a Member or Members for a County or Borough is conferred by this

Act shall, subject to the Conditions affecting his Right to be registered in any Year, be entitled to be registered in any Register of Voters to be formed for such County or Borough subsequently to the *Tenth Day of June* which first happens after the *passing of this Act*, and shall be entitled to vote at any Election of a Member or Members for such County or Borough which may take place after the Formation of such Register.

Places named in Schedule (A) to have a Share in Election of Member.

9. Each of the Places named in Schedule (A.) to this Act annexed shall have a Share in the Election of a Member to serve in all future Parliaments for the Borough which is mentioned in conjunction therewith and named in the Column of the said Schedule (A.), and shall be deemed to be added to and form Part of such Borough for the Purposes of this Act.

No Person shall vote for County Members in respect of Premises in Borough.

10. No Person shall be entitled to vote at the Election of a Knight or Knights of the Shire for any County in Ireland in respect of any Lands, Tenements, or Hereditaments situate within the Parliamentary Boundary of any Place sharing in the Election for any Borough in Ireland returning a Member or Members to serve in Parliament, and in respect of which he would be entitled to vote at an Election for such Borough, whether he shall or shall not have actually acquired the Right to vote for such Borough in respect thereof.

Boundaries of Towns constituted Boroughs to form Part of Districts of Boroughs.

11. Each of the Towns mentioned in Column 3 of Schedule (C.), save as herein-after mentioned, shall include all the Lands within the Boundaries as settled at the *passing of this Act*, under "The Towns Improvement (Ireland) Act, 1854;" and in the Case of the Towns of Charleville, Ennistimon, and Kilrush the Boundaries shall be determined within One Month after the passing of this Act by the Lord Lieutenant in Council, in like Manner as the Lord Lieutenant in Council determines Boundaries under the "Towns Improvement (Ireland) Act, 1854," but without any Application being necessary for that Purpose.

Assimilation of Parliamentary and Municipal Boundaries.

Parts within Municipal and outside Parliamentary Bounds included in Parliamentary Boundaries of Boroughs.

12. Where, at the time of the *passing of this Act*, the Boundary of any Municipal Borough does not coincide with the Parliamentary Boundary, all that Part of such Borough situate beyond the Limits of the Parliamentary Borough, but within the Municipal Limits, shall form Part of the Borough for all Purposes connected with the Election of a Member or Members to serve in Parliament for such Borough.

13. Each

13. Each of the Boroughs named in the Second Column of Schedule (A.) hereto annexed shall, after the *passing of this Act*, be united to form a District of Boroughs, to be called by the Name of the chief Borough as set forth in the First Column of said Schedule.

Boroughs named in Sched. (A.) to be united into Districts of Boroughs.

Registration of Voters.

14. From and after the *passing of this Act*, in all Towns under the "Towns Improvement (Ireland) Act, 1854," the Collector of Grand Jury Cess shall cease to act for the Town Clerk under said Acts, and the Clerk of the Town Commissioners shall be the Town Clerk.

Clerk of Town Commissioners to be Town Clerk under Registration Acts.

15. All the Provisions of the Registration Acts as amended by this Act shall apply to Boroughs constituted by this Act, in the same Manner in all respects, so far as is practicable, as they apply to existing Boroughs, and the Chairman of the County and the other County Officers of the County in which the Borough is situate shall discharge the like Duties in respect of such Boroughs as Chairmen and County Officers now discharge in respect of existing Boroughs situate within Counties of which they are Officers.

Provisions of Registration Acts to apply to new Boroughs.

Regulations respecting Districts of Boroughs.

16. The following Regulations shall be made respecting Districts of Boroughs created by this Act:

Regulations as to Groups of Boroughs.

1. The Voters for a Member or Members to serve in Parliament for a District or Borough shall be the same Person who would be qualified to vote in each Borough of the District for a Member or Members for that Borough if it were not comprised in a District:
2. The Returning Officer of the Chief Borough shall be the Returning Officer of the District, and the Nomination and Declaration of the Poll shall take place at the Chief Borough in the Manner now prescribed by Law:
3. The Clerk of the Peace acting for each Contributory Borough, in addition to the List of Voters which he is required by Law to send to the Returning Officer of his own Borough, shall, on or before the Twenty-fifth Day of November in every Year, sign and send to the Clerk of the Peace acting for the Chief Borough a Copy of the List of Voters for such Contributory Borough:
4. Upon the Receipt of the Lists of Voters from the Contributory Boroughs the Clerk of the Peace of the Chief Borough shall add thereto the List of Voters for his own Borough, and shall

form all such Lists into a Book or Books, and shall sign and deliver such Book or Books on or before the last Day of November to the Returning Officer of the District, to be by him and his Successors as Returning Officer safely kept for the Purposes of the Acts relating to the Representation of the People in Ireland in Parliament:

5. The Book or Books so delivered by the Clerk of the Peace of the Chief Borough to the Returning Officer of the District shall be the Register of Persons entitled to vote at any such Election of a Member or Members to serve in Parliament for the District as may take place between the last Day of November in the Year when the Register has been made and the First Day of December in the succeeding Year:

6. Whenever by any Judgment or Order of the Court of Exchequer Chamber in Ireland any Alteration or Correction of the Register of Voters for any District of Boroughs is required to be made, Notice of the said Judgment or Order shall be forthwith given by the said Court to the Returning Officer of the District, and also where the Alteration or Correction affects the Lists of Voters for a Contributory Borough to the Returning Officer of that Contributory Borough, and the Notice so given shall be under the Hand of the Clerk of the Errors, and shall specify exactly every Alteration or Correction required to be made, and the Returning Officer of the District as to the Register of Voters for the District, and also as to the List of Voters of the Chief Borough delivered to him, and the Returning Officer of each Contributory Borough as to the List of Voters of such Borough delivered to him, shall, on the Receipt of any Notice as aforesaid requiring an Alteration or Correction to be made in any such Register or List of Voters, alter or correct such Register or List accordingly, and sign his Name against every Alteration or Correction so made by him, and safely keep and hand over to his Successors every Notice given to him by the said Court as aforesaid:

7. The Writ for the Election of a Member or Members for the District shall be directed to the Returning Officer of the District:

8. The Returning Officer of the District shall, on the Receipt of the Writ, forthwith transmit to the Returning Officer of each of the Contributory Boroughs Notice of the Day fixed by him for the Election of a Member or Members to serve in Parliament for the District:

9. The Voters in each Borough of a District shall respectively give their Votes in the Borough to which they belong:

10. The

10. The Returning Officers of each of the Contributory Boroughs shall, for the Purpose of taking and conducting the Poll, be deemed to be the Deputies of the Returning Officer of the District, and shall deliver or transmit the Poll Books in such Manner as the Deputies of Returning Officers of Boroughs in Ireland are by Law required to do, and shall have the same Powers and perform the same Duties in every respect as are respectively conferred and imposed on such Deputies:

11. Save as aforesaid, Lists of Voters shall be made and revised, and the Election of Members be conducted in the same Manner in a District of Boroughs as if such Boroughs had continued to return Members separately to Parliament; and, save as aforesaid, the Returning Officer of each Borough forming One of a Group of Boroughs shall perform the same Duties and have the same Responsibilities and Powers as if he were the Returning Officer of a Borough separately returning a Member or Members to serve in Parliament.

Existing Election Laws to apply to new Boroughs.

17. Subject to the Provisions of this Act, all Laws, Statutes, Usages, Provisions, and Penalties now in force respecting the Election of a Member or Members to serve in Parliament for Boroughs in Ireland shall, so far as the same may be applicable, and not inconsistent with the Provisions of this Act, extend and apply to all Boroughs created by this Act: Provided always, that nothing in this Act contained shall be construed to confer any Right of voting arising in any Boroughs created by this Act, save in respect of such Franchise as is provided by this Act.

Certain Provisions of the 13 & 14 Vict. c. 68. to apply to Boroughs in Districts other than Chief Boroughs in like Manner as to such Boroughs.

18. The several Provisions contained in the Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Eighteenth, Nineteenth, and Twentieth Sections of an Act of the Thirteenth and Fourteenth Years of Her present Majesty's Reign, Chapter Sixty-eight, intituled "An "Act to shorten the Duration of Elections in Ireland, and for esta- "blishing additional Places for taking the Poll thereat," relating to the erecting, providing, or regulating of Booths or Compartments for polling, and the Expense of the same, and also relating to the Appointment and Duties of Deputies and Poll Clerks in relation to the Poll and the Payments to be made to them, and relating to the Lists of Persons allotted to poll at the Booths or Compartments, and relating to the Commencement and Duration of the Poll, and the Proceedings thereat, and relating to the closing of the Poll, or Proceedings to be taken in case of Riot, and the other Provisions of the said Act, shall extend and apply to each Borough established by this Act, so far as the same respectively may be applicable and not inconsistent with the Provisions of this Act, as fully and effectually

and in like Manner as such several Provisions apply to an existing Borough.

Writs, &c. to be made conformable to this Act.

19. All Writs to be issued after the passing of this Act, for the Election of Members to serve in Parliament, and all Mandates, Precepts, Instruments, Proceedings, and Notices consequent upon such Writs, shall be framed and expressed in such Manner and Form as may be necessary for carrying the Provisions of this Act into effect.

Precepts and Notices, &c. to be adapted to this Act.

20. All Precepts, Notices, Lists of Voters, Registers of Voters, Instruments, and Proceedings relating to the Registration of Voters, shall be altered, framed, and expressed in such Manner as may be necessary for carrying into effect the Provisions of this Act.

Schedules to be Part of Act.

21. The Schedules to this Act annexed shall be deemed to be Part of this Act.

SCHE-

SCHEDULE (A.)

Towns not grouped.

	Belfast.	Limerick.
	Cork.	Londonderry.
5	Dublin.	Newry.
	Galway.	Waterford.—8.

Towns to be grouped.

	1st Column.	2nd Column.
	Armagh - -	Portadown and Ballybay.
10	Athlone - -	Mullingar, Roscommon, and Longford.
	Bandon - -	Drummanany, Macroom, and Bantry.
	Carlow - -	Athy, Tallow, and Bagnalstown.
	Carrickfergus -	Larne and Antrim.
	Cashel - - -	Thurles, Tipperary, and Nenagh.
15	Coleraine - -	Ballymena, Ballymoney, and Portrush.
	Clonmel - -	Carrick-on-Suir, Carrickbeg, and Cahir.
	Dundalk - -	Kells, Navan, and Trim.
	Downpatrick - -	Newtownards, Newcastle, and Donaghadee.
	Drogheda - -	Balbriggan.
20	Dungarvon - -	Lismore and Cappoquin.
	Dungannon - -	Omagh. Strabane.
	Ennis - -	Kilrush, Ennistimon, and Gort.
	Enniskillen - -	Monaghan, Ballyshannon, and Cavan.
	Kilkenny - -	Thomastown and Callan.
25	Kinsale - -	Skibbereen and Clonnakilty.
	Lisburn - -	Lurgan and Banbridge.
	Mallow - -	Fermoy and Charleville.
	Portarlington -	Maryborough, Mountmellick, and Tullamore.
30	Sligo - - -	Ballyna, Ballymote, and Boyle.
	Wexford - -	Gorey and Wicklow.
	New Ross - -	Enniscorthy and Tagmon.
	Tralee - -	Killarney, Kenmare, and Dingle.
	Youghal - -	Queenstown and Middleton.

SCHEDULE (B.)

Form No. 1.

Claim of Lodger.

Borough of

To the Town Clerk of the Borough of

I hereby claim to be inserted in the List of Voters in respect of the Occupation of the under-mentioned Lodgings, and the Particulars of my Qualification are stated in the Columns below :

Christian Name and Surname at full Length.	Profession, Trade, or Calling.	Description of Lodgings.	Description of House in which Lodgings situate, with Number, if any, and Name of Street.	Name, Description, and Residence of Landlord or other Person to whom Rent paid.

I the above-named hereby declare that I was [*or* am] on the First Day of July in this Year, and have been during the Twelve Months immediately preceding, the Occupier of the above-mentioned Lodgings, and that I have resided therein during the Six Months immediately preceding the said First Day of July, and that such Lodgings are of a clear yearly Value, if let unfurnished, of Ten Pounds or upwards.

Dated the Day of

Signature of Claimant

Witness to the Signature of the said

And I certify my Belief in the Accuracy of the above Claim.

Name of Witness

Residence and Calling

This Claim must bear Date the First Day of July or some Day subsequent thereto, and must be delivered to the Town Clerk on or before the Twentieth Day of July.

Representation of the People (Ireland).

A

BILL

To amend the Representation of the People in Ireland.

(*Prepared and brought in by Colonel French and Mr. Marsh.*)

Ordered, by The House of Commons, *to be Printed*, 9 *April* 1867.

[Bill 115.]

Under 2 oz.

Representation of the People (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

Preamble.

1. Short Title of Act.
2. Application of Act.

PART I.

FRANCHISES.

3. Occupation Franchise for Voters in Burghs.
4. Occupation Franchise for Voters in Counties.
5. Educational Franchises for Voters in Counties and Burghs.
6. Pecuniary Franchises for Voters in Counties and Burghs.

PART II.

DISTRIBUTION OF SEATS.

7. Universities to return Two Members.
8. Division of Glasgow, and additional Member given.
9. Re-arrangement of Falkirk and Kilmarnock Districts of Burghs, and Addition of new Burghs.
10. Towns added to certain Districts of Burghs.
11. Three Counties to be divided, and each Division to return a Member.
12. Registers of Voters to be formed for new Burghs and Divisions of Counties.

PART III.

SUPPLEMENTAL PROVISIONS.

Incidents of Franchise.

13. Successive Occupancy.
14. Joint Occupancy in Counties.

Valuation Rolls.

Clause.

15. Dwelling Houses to be separately entered in Valuation Rolls.
16. Valuation Rolls in Counties to contain Column of rateable Value.

Regulations as to Rating.

17. Regulations as to rating Persons omitted from the Roll of Assessment.

Registration of Voters.

18. Registration of Voters.
19. Penalty for Refusal of Certificates.
20. Offences in respect of false Certificates.
21. Appeals from Decisions of Sheriff in Registration Court.
22. Constitution of Court of Appeal.

Places for Election and Polling Places.

23. Places for Election and Returning Officers for new Constituencies.
24. Provision for increasing Polling Places in Counties.
25. Rooms to be hired wherever they can be obtained.

Voting Papers.

26. Electors may vote by Voting Papers. Regulations with regard to Voting Papers.
27. Penalty for falsifying Voting Papers.
28. Voting Papers not to require Stamp.

Elections in Universities.

29. Franchise for Universities.
30. New Members of General Councils.
31. Correction of University Registers.
32. Appeals in University Registration.
33. Returning Officers and Intimation of Election.
34. Proclamation of Writs for Universities.
35. Polling at University Elections.
36. University Election Expenses.
37. Provision for Incapacity of Vice-Chancellor or Registrar.
38. Pro-Vice-Chancellors, Vice-Chancellors, and Registrars not to vote.
39. Penalty for falsifying Voting Letters for University Elections.

Miscellaneous.

Miscellaneous.

Clause.

40. South Glasgow to be wholly in Lanarkshire, and Galashiels wholly in Selkirkshire.
41. In Burghs where there are no Magistrates, Police Commissioners or Sheriff to appoint Assessors.
42. Where there is no Town Clerk, Police Commissioners or Sheriff to appoint a Person to act as such.
43. Expenses of Valuation, and Registration of Voters, and Remuneration of Person acting as Town Clerk, to be assessed on the Burgh.
44. Commissioners to examine Boundaries of Burghs and Divisions of Counties.
45. Corrupt Payment of Rates to be punishable as Bribery.
46. Members holding Offices of Profit from the Crown not required to vacate their Seats on Acceptance of another Office.
47. Provision in case of separate Registers.
48. Temporary Provisions consequent on Formation of new Burghs.
49. Register to be conclusive Evidence of Qualification.
50. General Saving Clause. Votes of Tenants of Lodgings.
51. Writs, &c. to be made conformable to this Act.
52. Construction of Act.
53. Interpretation of Terms.

SCHEDULES.

A

B I L L

FOR

The Amendment of the Representation of the People in Scotland.

WHEREAS it is expedient to amend the Laws relating to the Representation of the People in Scotland: Preamble.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act shall be cited for all Purposes as "The Representation of the People (Scotland) Act, 1867." Short Title of Act.

2. This Act shall apply to Scotland only. Application of Act.

PART I.

Franchises.

3. Every Man shall be entitled to be registered as a Voter, and, when registered, to vote at Elections for a Member or Members to serve in Parliament for a Burgh, who, when the Sheriff proceeds to consider his Right to be inserted or retained in the Register of Voters, is qualified as follows; that is to say, Occupation Franchise for Voters in Burghs.

1. Is of full Age, and not subject to any legal Incapacity; and

2. Is, and has been for a Period of not less than *Twelve* Calendar Months next preceding the *last Day of July*, an Inhabitant Occupier as Owner or Tenant of any Dwelling House within the Burgh; and

3. Has during the Time of such Occupancy been rated in respect of the Dwelling House so occupied by him within the Burgh to all Rates (if any) made for the Relief of the Poor in respect of such Dwelling House; and

4. Has before the *Twentieth Day of July* in the same Year paid all Poor Rates that have become payable by him in respect of the said Dwelling House up to the preceding *First Day of June*, and Payment of which has been demanded of him by the Collector of Poor Rates.

Occupation Franchise for Voters in Counties.

4. Every Man shall be entitled to be registered as a Voter, and, when registered, to vote at Elections for a Member to serve in Parliament for a County, who, when the Sheriff proceeds to consider his Right to be inserted or retained in the Register of Voters, is qualified as follows; that is to say,

1. Is of full Age, and not subject to any legal Incapacity; and

2. Is, and has during the *Twelve Calendar Months* immediately preceding the *last Day of July* been, in the Occupancy as Owner or Tenant of Lands, Houses, or other Heritages within the County of the rateable Value of *Fifteen Pounds* or upwards; and

3. Has during the Time of such Occupancy been rated in respect of the said Heritages so occupied by him to all Rates (if any) made for the Relief of the Poor in respect thereof; and

4. Has before the *Twentieth Day of July* in the same Year paid all Poor Rates that have become payable by him in respect of the said Heritages up to the preceding *First Day of June*, and Payment of which has been demanded of him by the Collector of Poor Rates.

Educational Franchises for Voters in Counties and Burghs.

5. Every Man shall be entitled to be registered, and, when registered, to vote at the Election of a Member or Members to serve in Parliament for a County or Burgh, who, when the Sheriff proceeds to consider his Right to be inserted or retained in the Register of Voters, is of full Age, and not subject to any legal Incapacity, and is, and for a Period of *Twelve Calendar Months* next preceding the *last Day of July* has been, resident in such County or Burgh, and is possessed of any One or more of the Qualifications following; that is to say,

1. Is, and has been during the Period of such Residence, a Graduate or Associate in Arts of any University of the United

United Kingdom, or a Member of the General Council of any One of the Four Universities of Scotland; or a Male Person who has passed at any Senior Middle Class Examination of any University of the United Kingdom; or

2. Is, and has been during the Period aforesaid, an ordained Minister of the Church of Scotland; or

3. Is, and has been during the Period aforesaid, a Minister of any Religious Denomination, appointed, either alone or with not more than One Colleague, to the Charge of any Chapel or Place of Worship, and is, and has been during such Period, officiating as the Minister thereof; or

4. Is, and has been during the Period aforesaid, a Member of the Faculty of Advocates; or

5. Is, and has been during the Period aforesaid, a Certificated Member of the Society of Writers to Her Majesty's Signet, or of the Society of Solicitors before the Supreme Courts in Scotland, or a Certificated Solicitor or Procurator before any of the Inferior Courts in Scotland; or

6. Is, and has been during the Period aforesaid, a duly qualified Medical Practitioner registered under the Medical Act, 1858; or

7. Is, and has been during the Period aforesaid, a Parochial Schoolmaster, or a Schoolmaster holding a Certificate from the Committee of Her Majesty's Council on Education:

Provided, first, that any Person entitled to vote in respect of any of the Qualifications mentioned in this Section shall, on or before the *Twentieth Day of July* in any Year, claim to be registered as a Voter, and when so registered shall be entitled to be retained in the Register of Voters so long as he continues to be resident in the County or Burgh to which such Register applies, and retains the Qualification in respect of which he is registered; and, secondly, that no Person shall be entitled to be registered as a Voter or to vote in respect of any of the Qualifications mentioned in this Section in more than One Place.

Pecuniary Franchises for Voters in Counties and Burghs.

6. Every Man shall be entitled to be registered, and, when registered, to vote at the Election of a Member or Members to serve in Parliament for a County or Burgh, who, when the Sheriff proceeds to consider his Right to be inserted or retained in the Register of Voters, is of full Age, and not subject to any legal Incapacity, and is, and during the *Two Years* immediately preceding the *First Day of July* has been, resident in such County or Burgh, and is possessed of any One or more of the Qualifications following; that is to say,

1. Has on the said *First Day of July*, and has had during the *Two Years* immediately preceding, a Balance of not less

than *Fifty Pounds* deposited in some Savings Bank in his own sole Name and for his own Use; or

2. Holds on the said *First Day of July*, and has held during the *Two Years* immediately preceding, in the Books of the Governor and Company of the Bank of England or Ireland, in his own sole Name and for his own Use, any Parliamentary Stocks or Funds of the United Kingdom to the Amount of not less than *Fifty Pounds;* or

3. Has during the *Twelve Months* immediately preceding the *Fifth Day of April* in the said Year been charged with a Sum of not less than *Twenty Shillings* in the whole by the Year for Assessed Taxes and Income Tax, or either of such Taxes, and has before the *Twentieth Day of July* paid all such Taxes due from him up to the preceding *Sixth Day of April:*

Provided, first, that every Person entitled to vote in respect of any of the Qualifications mentioned in this Section shall on or before the *Twentieth Day of July* in each Year claim to be registered as a Voter; secondly, that no Person shall be entitled to be registered as a Voter or to vote in respect of any of the Qualifications mentioned in this Section for more than One Place.

PART II.

Distribution of Seats.

Universities to return Two Members.

7. In all future Parliaments the Universities of Scotland shall return Two Members to serve in Parliament, and one of such Members shall be returned jointly by the University of Edinburgh and the University of St. Andrew's, and the other of such Members shall be returned jointly by the University of Glasgow and the University of Aberdeen.

Division of Glasgow, and additional Member given.

8. From and after the End of the present Parliament the City of Glasgow shall be divided into Two Divisions, and each Division shall in all future Parliaments be a separate Burgh, to be called by the Name of the City of Glasgow and the Burgh of South Glasgow respectively.

Each of the said Divisions, until otherwise directed by Parliament, shall comprise the Places mentioned in connexion with each such Division in Schedule (A.) hereto annexed; and in all future Parliaments the City of Glasgow shall return Two Members, and the Burgh of South Glasgow shall return One Member, to serve in Parliament.

Re-arrangement of Falkirk and Kilmarnock Districts of Burghs, and

9. From and after the End of the present Parliament the Burghs presently comprised in the Falkirk District, and the Burghs presently comprised in the Kilmarnock District shall cease to form such Districts of Burghs, and such Districts respectively shall cease to

to return a Member to serve in Parliament; and the said Burghs presently comprised in the said Two Districts shall, together with the other Burghs and Towns specified in Schedule (B.) hereto annexed, be constituted into Three Districts of Burghs as enumerated and described in the said Schedule, and each of such Districts shall return One Member to serve in Parliament.

Addition of new Burghs.

10. From and after the End of the present Parliament each of the Towns enumerated in Schedule (C.) to this Act annexed shall be added to and shall form Part of the District of Burghs specified with reference to such Town respectively in the said Schedule, and shall contribute along with the Burghs presently comprised in such District to return One Member to serve in Parliament.

Towns added to certain Districts of Burghs.

11. From and after the End of the present Parliament each County named in the First Column of Schedule (D.) to this Act annexed shall be divided into Two Divisions named in the Second Column of the said Schedule, and each of such Divisions shall consist of the Parishes mentioned in the Third Column of the said Schedule, and each of such Divisions shall in all future Parliaments return One Member to serve in Parliament in the same Manner as if each such Division were a separate County.

Three Counties to be divided and each Division to return a Member.

12. Registers of Voters shall be formed in and after the Year *One thousand eight hundred and sixty-eight*, notwithstanding the Continuance of the present Parliament, for and in respect of the Divisions of the City of Glasgow, and of the Divisions of Counties constituted under this Act, in like Manner as if such Divisions had previously to the passing of this Act been separate Burghs or separate Counties returning Members to serve in Parliament, and also for and in respect of the Burghs constituted by this Act in like Manner as if before the passing of this Act they respectively had been Burghs contributing to return Members to serve in Parliament.

Registers of Voters to be formed for new Burghs and Divisions of Counties.

PART III.

Supplemental Provisions.

Incidents of Franchise.

13. Different Dwelling Houses or other Heritages occupied in succession by any Person shall have the same Effect in qualifying such Person to vote for a Burgh or County respectively as a continued Occupancy of the same Dwelling House or Heritages.

Successive Occupancy.

14. In a County where Heritages are in the joint Occupancy of several Persons, and the aggregate rateable Value (ascertained as

Joint Occupancy in Counties.

as herein-after provided) of such Heritages is such as would, if divided amongst the several Occupiers, so far as the Value is concerned, confer on each of them a Vote, then each of such joint Occupiers shall, if otherwise qualified, and subject to the Conditions of this Act, be entitled to be registered as a Voter, and, when registered, to vote at an Election for the County.

Valuation Rolls.

Dwelling Houses to be separately entered in Valuation Rolls.

15. In every future Valuation Roll to be made up in any Burgh, under the Provisions of the Valuation Acts in force for the Time, or of this Act, the Assessor shall, in so far as he enters therein any Heritages of a less yearly Value than *Ten Pounds*, be bound to specify separately each Dwelling House, and to assess the yearly Rent or Value of the same, and also to enter the Name and Designation of the Proprietor or reputed Proprietor thereof, and, where there are Tenants or Occupiers, the Names and Designations of such Tenants and Occupiers; and the Parochial Board of each Parish shall, so far as such Parish is situated in said Burgh, be bound to transfer to the Roll or Book of Assessment for Poor Rates every such Dwelling House as so specified, and separately to assess for Poor Rates in respect thereof the Occupier of every such Dwelling House.

Valuation Rolls in Counties to contain Column of rateable Value.

16. In every future Valuation Roll to be made up in any County, the Assessor, in addition to the Particulars which by the Acts last mentioned are required to be ascertained by him, shall, with regard to all Lands and Heritages entered by him in such Roll at a yearly Rent or Value of less than *Fifty Pounds* and not less than *Fifteen Pounds*, ascertain and enter in a separate Column in the said Roll the annual Value of all such Lands and Heritages, under Deduction of the probable annual average Cost of the Repairs, Insurance, and other Expenses, if any, necessary to maintain the same in their actual State, and all Rates, Taxes, and public Charges payable in respect of the same; and the Value of such Lands and Heritages so ascertained and entered under the aforesaid Deductions, unless altered by the Determination of any Court of Appeal, or by the Judge or Judges in the Court of Session to whom such Determination may be submitted, shall, for the Purposes of this Act, be held to be the rateable Value of such Lands and Heritages.

Regulations as to Rating.

Regulations as to rating Persons omitted from the Roll of Assessment.

17. The following Enactments shall be made for the Purpose of giving to any Occupier whose Name does not appear on the Roll of Assessment for Relief of the Poor Facilities for acquiring the Franchise under this Act:

(1.) If in any Year any Person otherwise qualified in Terms of this Act shall not have been rated to any Rate imposed for the

the Relief of the Poor in the Parish in which he is an Occupier, it shall be lawful for him at any Time before the *First Day of June* in such Year to claim to be rated in respect of the Dwelling House, or Lands, Houses, or other Heritages, as the Case may be, occupied by him as aforesaid.

(2.) Notices of Claim, in the Form marked No. 1. in the Schedule (E.) annexed to this Act, shall be obtainable, free of Charge, at every Post Office in Scotland at which Money Orders are issued, and at the Office of every Collector of Poor Rates.

(3.) The Person claiming to be rated as aforesaid shall fill up such Notice, and either deliver it personally or send it by Post (in which Case it shall be transmitted free by the Post) to the Collector of Poor Rates, and may, if he please, at the same Time tender Payment of the Rate which he considers to be due by him.

(4.) On or before the *First Day of July* in the said Year the Parochial Board of the Parish shall cause to be sent to the Claimant an Answer to his Claim in the Form marked No. 2. in the said Schedule, and if the said Claimant shall have tendered and made Payment of the whole of the Rate assessable in respect of the Dwelling House or other Heritages occupied by him, the Collector shall in such Answer acknowledge Receipt thereof; but if such Claimant shall not have tendered or made Payment of the whole of the Rates assessable in respect of his Occupancy as aforesaid, the Collector shall inform him of the Sum due in respect thereof, and shall demand Payment of the same before the *Twentieth Day of July* then ensuing.

(5.) The Collector shall include in the List of Persons rated to the Poor herein-after mentioned, as sent by him to the Assessor, all Persons who have claimed to be rated as herein-before provided.

Registration of Voters.

Registration of Voters.

18. The following Regulations shall be observed with respect to the Registration of Voters:

1. The Registration Acts shall apply to the Registration of all Persons on whom a Right to be registered and to vote is for the First Time conferred by this Act, in the same Manner, and subject to the same Regulations, as nearly as Circumstances admit, in and subject to which they now apply to the Registration of Persons entitled at present to be registered and to vote; and the said Acts and also the Valuation Acts shall apply to all Burghs and Divisions of Counties on

which the Right of returning or contributing to return a Member to serve in Parliament is by this Act conferred:

2. The Assessors in Burghs and Counties shall, on or before the *First Day of July* in each Year, give Notice by Advertisement in One or more Newspapers published or circulating in the County or Burgh, as the Case may be, that to qualify for Registration under the Third and Fourth Sections hereof all Poor Rates payable up to the preceding *First Day of June* must be paid before the ensuing *Twentieth Day of July*; and the Collector of Poor Rates in each Parish shall, on or before the *last Day of July* in each Year, deliver or send to the Assessor for the Burgh a List in the Form marked 5. in the said Schedule, or as near thereto as Circumstances admit, duly certified by him, of all Persons rated for the Relief of the Poor in such Parish for the past Year in respect of Dwelling Houses under the yearly Value of *Ten Pounds*, situated within such Burgh, and shall also send to the Assessor for the County a List in the said Form duly certified by him of all Persons so rated in respect of Heritages of the yearly Value of not less than *Fifteen* and not more than *Fifty* Pounds, situated within such County, and the said Collector shall also send to the Assessor for the Burgh or County respectively a List in the Form marked 6. in the said Schedule, or as near thereto as Circumstances admit, duly certified by him, of all Persons so rated who had not before the said *Twentieth Day of July* paid all Poor Rates that had become payable by them up to the said preceding *First Day of June*, and the Assessor shall be guided by the said Lists (which shall be primâ facie Evidence of the Correctness of the Entries therein contained) in ascertaining the Right of any Person to be inserted or retained in the Register of Voters:

3. The Claim of any Person desirous of being registered as a Voter for any Burgh or County, and herein-before required to make a Claim, shall be made in the Form marked 1. in Schedule (F.) annexed hereto, or as near thereto as Circumstances admit; and every such Claim shall be dealt with in all respects in the same Manner as is provided by the Registration Acts in regard to Claims by Persons whose Names have been omitted from the Register or List of Voters made up by the Assessor:

4. The Claim of any Person claiming to be registered in respect of a Deposit in a Savings Bank shall not be received by the Assessor, unless it have annexed thereto a Certificate in the Form marked 2. in the said Schedule, or as near thereto as Circumstances will admit, and is signed, in the

the Case of a Post Office Savings Bank, by some Officer authorized to sign the same by the Postmaster General, and in the Case of any other Savings Bank by Two of the Trustees or Managers of such Savings Bank, or by some Officer authorized by them:

5. The Claim of any Person claiming to be registered in respect of the holding of any Parliamentary Stocks or Funds of the United Kingdom to an Amount of not less than *Fifty Pounds* shall not be received by the Assessor, unless it have annexed thereto a Certificate in the Form marked 3. in the said Schedule, or as near thereto as Circumstances admit, and signed by an Officer of the Governor and Company of the Bank of England, or, as the Case may require, by an Officer of the Governor and Company of the Bank of Ireland:

6. The Claim of any Person claiming to be registered in respect of the Payment of Assessed Taxes and Income Tax, or either of such Taxes, shall not be received, unless it have annexed thereto a Certificate in the Form marked 4. in the said Schedule, or as near thereto as Circumstances admit, and signed by One of the Commissioners or Collectors acting in relation to the Tax in respect of which such Certificate is required:

7. If the Sheriff shall sustain the Claim made by any such Person as aforesaid, he shall place the Claimant on the List of Voters for the Polling District in which the Residence of the Voter is situate.

Penalty for Refusal of Certificates.

19. If any Person whose Certificate is required under this Act in support of the Claim of a Person to vote wilfully refuses to give such Certificate, he shall on summary Conviction be liable to a Penalty not exceeding *Five Pounds*.

Offences in respect of false Certificates.

20. If any Person is guilty of any of the following Offences; that is to say,

1. Wilfully gives any Certificate required by this Act falsely;
2. Forges, counterfeits, or fraudulently alters any such Certificate, or any Signature thereto;
3. Knowingly makes use of, in support of a Claim to be registered or to vote, any false Certificate, or any Certificate forged, counterfeited, or altered as aforesaid;

Such Person shall be guilty in England of a Misdemeanor, and in Scotland of a Crime and Offence, and on being convicted thereof shall be liable to Imprisonment, with or without Hard Labour, for a Term not exceeding *Two Years*.

Appeals from Decisions of Sheriff in Registration Court.

21. All Enactments at present in force regarding Appeals from the Judgments of Sheriffs in Registration Courts for Counties and Burghs are hereby repealed, and in lieu thereof it is enacted as follows:

If any Person whose Name shall have been struck out of any Register or List of Voters by the Sheriff, or who shall claim or object before the Sheriff at any Court, shall consider the Decision of the Sheriff on his Case to be erroneous in point of Law, he may, either himself or by some Person on his Behalf, in open Court, require the Sheriff to state the Facts of the Case, and such Question of Law, and his Decision thereon, in a Special Case; and the Sheriff shall prepare and sign such Special Case, and deliver the same in open Court to the Sheriff-Clerk; and such Person, or some Person on his Behalf, may thereupon in open Court declare his Intention to appeal against the said Decision, and may, within *Ten Days* of the Date of such Special Case, lay a certified Copy thereof before the Court of Appeal herein-after constituted, for their Decision thereon; and the said Court shall with all convenient Speed hear Parties and give their Decision on such Special Case, and shall specify exactly every Alteration or Correction, if any, to be made, in pursuance of such Decision, upon the Register, and the Register shall be forthwith altered accordingly by or at the Sight of the Sheriff; and if it shall appear to the Sheriff that his Judgment respecting the Qualifications of any Two or more Persons depends on the same Question of Law, he shall append to such Special Case the Names of all such Persons who have appealed against his Judgment on their respective Claims; and the Decision of the said Court on such Special Case shall extend and apply to the Qualifications of all such Persons in like Manner as if a separate Appeal had been taken in the Case of each of them; and the said Court shall have Power to award the Costs of any Appeal; and the Decision of the said Court shall be final, and not subject to Review by any Court or in any Manner whatsoever: Provided always, that if the said Court shall be of opinion that the Statement of the Matter of the Appeal in any Special Case is not sufficient to enable them to give Judgment in Law, it shall be lawful for the said Court to remit the said Special Case to the Sheriff by whom it shall have been signed, in order that the same may be more fully stated.

Constitution of Court of Appeal.

22. The Court for hearing Appeals under the preceding Section of this Act shall consist of Three Judges of the Court of Session, to be named, on or before the First Day of September in each Year, by the Lord President of the Court, or failing him by the Lord Justice Clerk, One Judge to be named from each Division of

of the Inner House and One from the Lords Ordinary in the Outer House; and the Lord President, and failing him the Lord Justice Clerk, may supply any Vacancy which may occur in such Court before the whole Appeals for the Year have been disposed of, and the Junior Principal Clerk of Session shall be the Clerk of such Court.

Places for Election and Polling Places.

Places for Election and Returning Officers for new Constituencies.

23. The Writs for the Election of a Member or Members to serve in Parliament for the City of Glasgow and for the Burgh of South Glasgow shall be addressed to the Sheriff of Lanarkshire; and the said Writs shall be proclaimed in some convenient and open Place in the said City or Burgh, as the Case may be; and the Writs for the Election of Members for the Districts of Burghs enumerated in Schedule (B.) to this Act annexed shall be addressed to the Sheriffs mentioned in the Fourth Column of the said Schedule, and shall be proclaimed at the Places named for that Purpose in the Third Column thereof; and the Writs for the Election of Members for the Divisions of Counties enumerated in Schedule (D.) to this Act annexed shall be addressed to the Sheriffs of such Counties, and shall be proclaimed at the Places named for that Purpose in the Third Column of the said Schedule.

Provision for increasing Polling Places in Counties.

24. In every County the Sheriff shall, before the Completion of the First Registration of Voters which takes place after the passing of this Act, appoint proper and convenient Places for polling in his County, so that there may be a Polling Place in every Parish in which there are not less than *Two hundred* resident Electors, and a Polling Place for every Two or more adjoining Parishes in either of which separately there may be less than *Two hundred* resident Electors, at some central or convenient Point at which, as nearly as possible, *Two hundred* Voters from such smaller Parishes may most conveniently attend to record their Votes; provided that in Counties, any Portion of which consists of a detached Island, separate Polling Places shall be appointed in any or every such Island in which there are *Thirty* resident Electors; and the Places selected by the Sheriff as the future Polling Places of the County shall forthwith be duly advertised in such Manner as he thinks fit, and the said Sheriff may, with the Consent of the Lord Advocate for the Time being, alter from Time to Time such Polling Places.

Rooms to be hired wherever they can be obtained.

25. At every contested Election for any County, unless some Building or Place belonging to the County is provided by the Commissioners of Supply of such County for that Purpose, the Sheriff shall, whenever it is practicable so to do, instead of erecting

a Booth, hire a Building or Room for the Purpose of taking the Poll at the Places appointed by him for such County; and the Expense incurred by the said Sheriff in the Hire of Rooms, or in erecting Booths for Polling, shall be paid to him by the Commissioners of Supply of such County out of the Police Rate.

Where in any Place there is any Room, the Expense of maintaining which is payable out of any Rates levied in such Place, such Room may, with the Consent of the Person or Corporation having the Control over the same, be used for the Purpose of taking the Poll at such Place.

Voting Papers.

Electors may vote by Voting Papers.

26. It shall be lawful for any Person duly registered as a Voter for any County or Burgh, in lieu of attending to vote in Person, to nominate any other Elector or Electors of such County or Burgh competent to make the Declaration herein-after mentioned to deliver for him at the Poll a Voting Paper containing his Vote or Votes; and the following Regulations shall be observed with regard to such Voting Papers:

Regulations with regard to Voting Papers.

(1.) Every such Voting Paper shall bear Date subsequently to the Notice given by the Sheriff of the Day for proceeding to Election, and shall contain the Name or Names of the Candidate or Candidates thereby voted for, and the Name or Names of the Elector or Electors authorized on behalf of the Voter to tender such Voting Paper at the Poll, and shall be according to the Form or to the Effect prescribed in Schedule (F.) to this Act annexed:

(2.) Such Voting Paper, the aforesaid Date and Names being previously filled in, shall on any Day subsequent to the Notice given by the Sheriff of the Day for proceeding to Election be signed by the Voter, in the Presence of a Justice of the Peace for the County in which such Voter shall be then residing, and the said Justice shall certify and attest the Fact of such Voting Paper having been so signed in his Presence, by signing at the Foot thereof a Certificate or Attestation in the Form or to the Effect prescribed in the said Schedule, with his Name and Address in full, and shall state his Quality as a Justice of the Peace for such County:

(3.) The Voting Paper, signed and certified as aforesaid, may be delivered to the Polling Sheriff at the Polling Place where the Elector by whom such Voting Paper is signed would have voted if he had attended in Person, and that during the appointed Hour of polling, by any One of the Persons therein

therein nominated in that Behalf, who shall, on tendering such Voting Paper at the Poll, read out the same, and the said Polling Sheriff shall receive every such Voting Paper as the same shall be delivered, and shall cause the Vote or Votes thereby given, or such of them as may not appear to be contrary to the Provisions of this Act, to be recorded in the Poll Book, in the same Manner as if such Vote or Votes had been given by the Elector attending in Person; and all Votes so recorded shall have the same Validity and Effect as if they had been duly given by the Voters in Person: Provided always, that no Person shall be entitled to sign or vote by more than One Voting Paper at any Election, and that no Voting Paper containing the Names of more Candidates than there are Members to be elected at such Election shall be received or recorded:

(4.) No Voting Paper shall be received or recorded unless the Person tendering the same shall make the following Declaration, which he shall sign at the Foot or on the Back thereof:

"I solemnly declare that I am personally acquainted "with *A.B.* (the Voter), and I verily believe that this is "the Paper by which he intends to vote, pursuant to the "Provisions of the Representation of the People (Scotland) "Act, 1867:"

And no Voting Paper shall be so received and recorded if the Elector signing the same shall have already voted in Person at the same Election: Provided always, that every such Elector shall be entitled to vote in Person, notwithstanding that he has duly signed and transmitted a Voting Paper to another Elector, if such Voting Paper has not been already tendered at the Poll, and his Vote recorded:

(5.) It shall be lawful for any Candidate, or his Agent duly authorized in that Behalf, to inspect any Voting Paper tendered at the Poll before the same shall be received or recorded, and to object to it on One or more of the following Grounds:

1. That the Person on whose Behalf the Voting Paper is tendered is not qualified to vote;
2. That the Person tendering the Voting Paper is not duly qualified in that Behalf;
3. That the Person in whose Behalf the Voting Paper is tendered has already voted at that Election in Person or by Voting Paper;

4. That the Voting Paper bears Date anterior to the Notice given by the Sheriff of the Day for proceeding to Election;

5. That the Voting Paper is forged or falsified;

And the Polling Sheriff shall have Power to put Questions to the Person tendering such Voting Paper, and to reject, or to receive and record, or to receive and record as objected to or protested against, any Votes tendered by Voting Papers: Provided that in case the Objection stated to any Voting Paper shall be that it is forged or falsified, such Polling Sheriff shall receive and record such Voting Paper, having previously written upon it "objected to as forged" or "objected to as falsified," together with the Name of the Person making such Objection:

(6.) All Voting Papers received and recorded at such Election as well as any Voting Paper rejected for Informality, or on any other Ground, shall be filed by the Polling Sheriff, and shall be delivered by him to the Sheriff Clerk of the County or the Town Clerk of the Burgh, as the Case may be, by whom the said Voting Papers shall be preserved; and any Person shall be allowed to examine such Voting Papers at all reasonable Times, and to take Copies thereof, upon Payment of a Fee of One Shilling.

Penalty for falsifying Voting Papers.

27. Any Person falsely or fraudulently signing any Voting Paper in the Name of any other Person, whether such Person shall be living or dead, and any Person signing, subscribing, endorsing, attesting, certifying, tendering, or transmitting as genuine any false or falsified Voting Paper, knowing the same to be false or falsified, and any Person falsely making any such Declaration as aforesaid, or with fraudulent Intent altering, defacing, destroying, withholding, or abstracting any Voting Paper, and any Person wilfully making a false Answer to any Question put to him by the Polling Sheriff as herein-before provided, shall be guilty in England of a Misdemeanor, and in Scotland of a Crime and Offence, and on being convicted thereof shall be punishable by Fine or by Imprisonment for a Period not exceeding *One Year*.

Voting Papers not to require Stamp.

28. No such Voting Paper as herein-before mentioned shall be liable to any Stamp Duty.

Elections in Universities.

Franchise for Universities.

29. Every Person whose Name is for the Time being on the Register of the General Council of any One of the Universities of Scotland shall, if of full Age and not subject to any legal Incapacity,

Incapacity, be entitled to vote in the Election of a Member to serve in any future Parliament for such University in Terms of this Act.

New Members of General Councils.

30. Besides the Persons constituting the General Council of each of the said Universities in virtue of the Sixth Section of the Act Twenty-first and Twenty-second Victoria, Chapter Eighty-three, every Person shall be entitled to be a Member of any such General Council on whom the University has after Examination conferred the Degree of Doctor of Medicine, or Doctor of Science, or Bachelor of Divinity, or Bachelor of Laws, or Bachelor of Medicine and Master in Surgery, and who shall establish to the Satisfaction of the Assistant Registrars, nominated as herein-after provided, that he has regularly attended during at least One Session in such University, and in the Faculty to which the Degree conferred on him belongs, Two or more Classes qualifying for such Degree; and the Name of every such Person shall be registered in the Book kept for the Purpose, on Payment of the usual annual or other Fee: Provided always, that Doctors of Medicine of the University of Saint Andrews on whom that Degree has been conferred subsequent to the First Day of January One thousand eight hundred and sixty-three shall be entitled to be Members of the General Council without having attended any Classes in the said University.

Correction of University Registers.

31. The University Court of each University shall on or before the *First Day of June* in each Year nominate and appoint Three Persons, being Members of the General Council, to be Assistant Registrars of such University, and such Assistant Registrars shall for the Purpose of examining and correcting the Register of such General Council hold such Meetings as may be necessary between the *Twentieth Day of June* and the *Tenth Day of August*, and shall insert in such Register, which shall be in the Form of Schedule (G.) to this Act annexed, the Names of all Persons who are entitled to be registered as Members of such General Council, and shall strike out the Names of such as have died, and shall make any Corrections or Alterations that may be necessary in the Name, Residence, or Condition of any Member as inserted in such Register, and shall on the said *Tenth Day of August* or immediately thereafter deliver such Register to the Vice-Chancellor of the University, who shall authenticate the same by his Signature, and the said Register, so authenticated, shall, subject to the Right of Appeal herein-after provided, thereafter and until the *Tenth Day of August* in the following Year be the Register of Voters for such University; and each Assistant Registrar shall be entitled to make a Charge for the Time and Labour employed by him in examining

and correcting the Register, which Charge shall not be more than *Three Guineas* for every Period of Eight Hours so occupied by him, and shall be defrayed out of the Fees paid by the Members of the General Council.

Appeals in University Registration.

32. The Judgments of the Assistant Registrars granting or refusing Registration shall so long as they remain unaltered be conclusive of the Right of Persons to be Members of the General Council; but it shall be competent to any Person considering himself aggrieved by any such Judgment, or who is able to point out any Error in the Register of Voters as made up by the Assistant Registrars, to appeal to and apply for an Alteration of such Judgment or the Correction of such Error by the University Court; and it shall be the Duty of the Assistant Registrars or One or more of them to attend the Meetings of such Court, and maintain the Register prepared by them, and to answer, so far as they can, any Objections with respect to the undue Omission or the undue Insertion of the Name of any Person therein, or with respect to any alleged Errors in such Register; and the University Court shall hear and determine all such Appeals on such Day or Days as may be fixed by the said Court between the *First Day of October* and the *Thirty-first Day of December;* and the Judgments of the said Court shall in all Cases be final and conclusive, and liable to no Process of Review, and shall, whenever they reverse or vary the Judgments appealed from, or correct any Error pointed out as aforesaid, be a Warrant to the Vice-Chancellor to alter and correct the Register in conformity thereto.

Returning Officers and Intimation of Election.

33. The Vice-Chancellor of the University of Edinburgh shall be the Returning Officer for the said University and the University of Saint Andrews, and the Vice-Chancellor of the University of Glasgow shall be the Returning Officer for the said University and the University of Aberdeen, and the Writs for any Election of a Member to serve in Parliament for such Universities shall be directed to such Returning Officers respectively; and the Vice-Chancellor to whom a Writ for any such Election shall be directed shall endorse on the Back thereof the Day on which he received it, and shall, within Three Days thereafter, announce a Day and Hour (which Day shall be not less than Six or more than Ten Days after that on which the Writ was received), and a Place within the City of Edinburgh, for an Election for the Universities of Edinburgh and Saint Andrews, or within the City of Glasgow for an Election for the Universities of Glasgow and Aberdeen, as the Case may be, and shall give Intimation thereof by Advertisement in such Newspapers as he shall deem expedient, and shall also, within the said Three Days,

Days, give Intimation thereof in Writing to the Vice-Chancellor of the University of Saint Andrews or of Aberdeen, as the Case may be.

Proclamation of Writs for Universities.

34. On the Day announced as aforesaid by the Vice-Chancellor for the Election, such Vice-Chancellor shall repair to the Place named by him, to which Place all Persons entitled to vote in such Election shall in the aforesaid Advertisement be invited to repair on the Day and at the Hour named; and the said Vice-Chancellor shall then and there proclaim the Writ by reading it; and if no more than One Candidate shall be proposed for the Choice of the Electors, he shall, upon a Show of Hands, forthwith declare the Person so put in Nomination to be duly elected; it being always competent for any Person entitled to vote in such Election under this Act to repair to the Place where the Writ is proclaimed, and to put any Person in Nomination; and if more than One Candidate shall be proposed, and a Poll shall be demanded, the Proceedings shall be adjourned for not less than Three or more than Five free Days, exclusive of Saturdays and Sundays; and the Vice-Chancellor shall forthwith give public Intimation of such Adjournment, and of the Names of the Candidates who have been proposed, by Advertisement in such Newspapers as he shall deem expedient, and shall also give Intimation thereof in Writing to the Vice-Chancellor of the University of Saint Andrews or of Aberdeen, as the Case may be.

Polling at University Elections.

35. The following Regulations shall be observed with respect to the Polling:—

(1.) On the Day to which the Proceedings have been adjourned as aforesaid, or at latest within Three Days thereafter, the Registrar of each University shall issue through the Post Office to each Member of the General Council of such University resident in the United Kingdom, to his Address as appearing in the Register, a Voting Letter in the Form of Schedule (H.) to this Act annexed, with all the Blanks filled up, except the Name of the Person for whom the Member votes, the Signature of such Member, the Date of signing, and the Attestation of the Justice of the Peace herein-after required; and such Letter shall be accompanied by a Letter of Intimation from the Registrar in the Form of Schedule (I.) to this Act annexed: Provided always, that it shall be lawful for the Registrar to deliver his Voting Letter, with the Blanks duly filled up as aforesaid, to any Member of the General Council personally, but the Registrar shall not in any Case deliver the Voting

Letter of any Member to another Member or to any other Person: Provided also, that no Voting Letter shall be issued or delivered to any Member of the General Council unless such Member shall have paid on or before the Day on which the Writ for the Election is proclaimed all Fees which may have become due by him:

(2.) Each Member of General Council, if he desires to vote in the Election, shall, after the Receipt of his Voting Letter, insert therein the Name of the Candidate for whom he votes, and shall sign the said Voting Letter in the Presence of a Justice of the Peace of the County in which he shall be then residing; and such Justice shall certify and attest the Fact of such Voting Letter having been so signed in his Presence by signing at the Foot thereof a Certificate or Attestation in the Form or to the Effect prescribed in the said Schedule with his Name and Address in full, and shall state his Quality as a Justice of the Peace for such County, and the said Voting Letter shall be returned to the Registrar through the Post Office in such Time that the Registrar shall receive the same within *Twenty-one* Days after the Day on which the Writ for such Election shall have been proclaimed as aforesaid:

(3.) On the Expiration of the said *Twenty-one* Days the Registrar shall in the Presence of a Pro-Vice-Chancellor, specially appointed for that Purpose by the Vice-Chancellor of the University, and also in the Presence of an Agent duly authorized on that Behalf by each Candidate who shall think proper to appoint such Agent, open and examine the Voting Letters which have been returned to such Registrar, and shall record and progressively number each Vote contained in such Letter for each Candidate in a Poll Book, and the Pro-Vice-Chancellor and Registrar shall subscribe their Names to each Page of the said Book, and the Agent for any Candidate shall be entitled to inspect any Voting Letter before the same shall be recorded, and to object to it on the Ground that the Person by whom it is signed is not qualified to vote, or that such Voting Letter is forged or falsified or not duly authenticated; and the Pro-Vice-Chancellor shall have Power to reject any Voting Letters which shall be so objected to, or which, though not objected to, shall appear to him to be in any material respect defective or informal: Provided that in case the Objection offered to any Voting Letter shall be that it is forged or falsified, such Voting Letter

Letter shall be received and recorded, the Pro-Vice-Chancellor having previously written upon it "objected to as forged," or "objected to as falsified," together with the Name of the Person making such Objection: Provided also, that all Voting Letters received and recorded at such Election, as well as any Voting Letters rejected for Informality or any other Ground, shall be filed and kept by the Registrar; and any Person entitled to vote at such Election, or an Agent duly authorized by him, shall be entitled to examine such Voting Letters at all reasonable Times, and to take Copies thereof upon Payment of a Fee of *One Shilling:*

(4.) The Poll Books in which the Votes have been recorded as herein-before provided shall be forthwith delivered by the Pro-Vice-Chancellor to the Vice-Chancellor by whom he was appointed; and the Vice-Chancellors of the Universities of St. Andrews and Aberdeen respectively shall, on receiving such Poll Books, immediately transmit them to the Vice-Chancellor, who is the Returning Officer for such University; and such Vice-Chancellor shall, within Three Days after such Poll Books have been received by him, in Presence of the Candidates or their Agents, or of such of them as shall think proper to attend or to appoint such Agent, cast up the Number of Votes as they appear on the several Books, and shall forthwith publish in the Edinburgh Gazette a Notice containing the Name of the Candidate for whom the largest Number of Votes has been given, and declaring such Candidate to be duly elected, and shall make a Return in the Form of similar Returns presently used (as nearly as may be) in Terms of the Writ, under his Hand and Seal, to the Clerk of the Crown in England, and if the Votes be equal he shall make a double Return.

University Election Expenses.

36. *Every Vice-Chancellor to whom a Writ for the Election of a Member to serve in Parliament shall, under the Provisions of this Act, be directed, shall be allowed in Exchequer such Payments for executing such Writ as are allowed to Sheriffs under the existing Law in the Case of Elections for Counties or Burghs;* and in all Cases where a Poll has been demanded the Candidates shall be bound to pay and contribute among them to each Pro-Vice-Chancellor appointed under this Act, for superintending the Polls, a Fee of *Three Guineas*, and to the Registrar of each University to which such Election relates a Fee of *Five Guineas;* and the Candidates shall in like Manner be bound to defray the neces-

sary Expenses incurred by the Vice-Chancellors or Registrars in the printing, Transmission, or Receipt of Voting Letters, Poll Books, or other Communications required or enjoined by this Act; and if any Person shall be proposed as a Candidate without his Consent, the Person so proposing him shall be liable to pay his Share of all such Expenses, in like Manner as if he had been himself a Candidate.

Provision for Incapacity of Vice-Chancellor or Registrar.

37. Where the Vice-Chancellor or Registrar of any University is absent, or is incapacitated by Illness for discharging any Duty required of him by this Act, or if the Office of Vice-Chancellor or of Registrar shall be vacant, the Duties herein imposed on the Vice-Chancellor or Registrar respectively shall be discharged by a Person appointed for that Purpose by the University Court of such University; and such Person shall in that respect, but in no other, act for the Time as and be deemed to be Vice-Chancellor or Registrar of such University.

Pro-Vice-Chancellors, Vice-Chancellors, and Registrars not to vote.

38. No Vice-Chancellor to whom the Writ for any Election of a Member to serve in Parliament shall be directed shall be entitled to vote at such Election, and no Registrar shall be entitled to vote at any Election of a Member to serve in Parliament for the University of which he is Registrar, and no Person acting as Pro-Vice-Chancellor, or who is appointed by the University Court to discharge the Duties of Vice-Chancellor or Registrar, shall be entitled to vote at any Election for which he so acts or is appointed.

Penalty for falsifying Voting Letters for University Elections.

39. Any Person falsely or fraudulently signing any Voting Letter in the Name of any other Person, whether such Person shall be living or dead, and any Person attesting, certifying, or transmitting as genuine any false or falsified Voting Letter, knowing the same to be false or falsified, and any Person with fraudulent Intent altering, defacing, destroying, withholding, or abstracting any Voting Letter, shall be guilty in England of a Misdemeanor, and in Scotland of a Crime and Offence, and on being convicted thereof shall be punishable by Fine or by Imprisonment for a Period not exceeding *One Year*.

Miscellaneous.

South Glasgow to be wholly in Lanarkshire, and Galashiels

40. In so far as regards the Registration of Voters, and generally for all Purposes connected with the Election of Members to serve in Parliament, the Burgh of South Glasgow shall be dealt with as if it were locally situated wholly within the County of Lanark; and

and the Burgh of Galashiels shall be dealt with as if it were locally situated wholly within the County of Selkirk.

wholly in Selkirkshire.

41. In any Burgh on which the Right of returning or contributing to return a Member to serve in Parliament is conferred by this Act, and in which there are no Magistrates elected in Terms of the Act Third and Fourth William the Fourth, Chapter Seventy-seven, the Commissioners or Trustees of Police acting in such Burgh under any General or Local Police Act, or, if there are no such Commissioners or Trustees, the Sheriff by whom the Register of Voters for such Burgh is annually revised and corrected, shall appoint a suitable Person to be the Assessor in such Burgh, and as such to make up a Valuation Roll of Lands and Heritages therein in Terms of the Valuation Acts, and also to perform with reference to the Registration of Voters in such Burgh all Duties which by the Registration Acts can be imposed on Assessors; and all Appeals against Valuations made by such Assessor shall be heard and determined by such Commissioners or Trustees or Sheriff, as the Case may be, and the Determination of such Commissioners or Trustees or Sheriff shall be dealt with in the same Manner as the Determinations of Magistrates in existing Royal or Parliamentary Burghs.

In Burghs where there are no Magistrates, Police Commissioners or Sheriff to appoint Assessors.

42. If in any such Burgh there is no Town Clerk, it shall be the Duty of the aforesaid Commissioners or Trustees of Police, as soon as may be after the passing of this Act, to nominate and appoint a fit and proper Person to perform the Duties of Town Clerk in so far as regards the Registration of Voters, and the Election of Members to serve in Parliament, and on every Occasion of the Person so appointed ceasing to act, such Commissioners or Trustees shall in like Manner, within the Period of Three Weeks thereafter, make a similar Appointment, and failing such Appointment being duly made by the said Commissioners or Trustees, and also in the Case of a Burgh in which there are no such Commissioners or Trustees, such Appointment shall be made by the Sheriff of the County; and every Person so nominated and appointed shall, so long as he continues to act, be subject to the same Disqualifications in regard to voting for or being elected a Member of Parliament, or acting as Agent for any Candidate, to which Town Clerks are now subject by Law, and every such Person shall be removeable at the Pleasure of the said Commissioners or Sheriff respectively by whom he was appointed: Provided always, that the Duties imposed in this and the preceding Section on Commissioners, Trustees, or Sheriffs shall in the Case of the Burgh of South Glasgow devolve on and be discharged by the Magistrates of the City of Glasgow.

Where there is no Town Clerk, Police Commissioner or Sheriff to appoint a Person to act as such.

 43. In

Expenses of Valuation, and Registration of Voters, and Remuneration of Person acting as Town Clerk, to be assessed on the Burgh.

43. In every such Burgh an Account of the Costs and Expenses attending the Preparation of the Valuation Roll, and also of the Costs and Expenses attending the annual Registration of Voters, shall be made up annually at the Sight of the Person or Persons by whom the Assessor for such Burgh was appointed, and such Person or Persons shall ascertain and fix the Amount of such Expenses, including therein the reasonable Remuneration of the Assessor, and of the Person appointed to perform the Duties of Town Clerk, where any such Appointment has been made; and the Amount of all such Expenses and Remuneration shall be assessed and levied on and recovered from the same Description of Persons and Property as the Police Rate within such Burgh, and in case no Police Rates are levied therein shall be assessed, levied, and recovered in the same Manner as and along with the Poor Rates leviable in the Parish or Parishes in which the Burgh is situated; provided that no Person shall be liable to such Assessment who is not a Proprietor or Occupier of Heritages within the Burgh.

Commissioners to examine Boundaries of Burghs and Divisions of Counties.

44. The following Persons; that is to say,

shall be appointed Boundary Commissioners for Scotland, and they shall, immediately after the passing of this Act, name special Assistant Commissioners, who shall examine the Boundaries of the Burghs constituted by this Act, including the Divisions of the City of Glasgow, and of every other Burgh in Scotland, returning or contributing to return a Member or Members to serve in Parliament, and shall also examine the Boundaries of the Divisions of the Three Counties specified in Schedule (D.) to this Act annexed.

The Assistant Commissioners so appointed shall give Notice, by public Advertisement, of their Intention to visit such Burghs and Divisions of Counties, and shall appoint a Time for receiving the Statements of any Persons who may be desirous of giving Information as to the Boundaries or other local Circumstances thereof, and shall, by personal Inspection and such other Means as they shall think necessary, obtain such Information as will enable the Boundary

Boundary Commissioners to make such Report and Recommendation as are herein-after mentioned.

Upon the Completion of such Examination by the said Assistant Commissioners, the Commissioners appointed by this Act shall report to One of Her Majesty's Principal Secretaries of State whether any Enlargement or Alteration of the Boundaries of such Burghs or Divisions of Counties is necessary in order to include within the Area thereof the Population properly belonging to such Burghs or Divisions of Counties respectively, and in such Report shall propose such new Boundaries (if any) as in their Judgment would effect that Object, but such Report shall be of no Validity until it has been confirmed by Parliament.

Corrupt Payment of Rates to be punishable as Bribery.

45. Any Candidate or other Person, either directly or indirectly, corruptly paying any Rate on behalf of any Voter for the Purpose of enabling him to be registered as a Voter, or for the Purpose of inducing him to vote, shall be guilty of Bribery, and be punishable accordingly; and any Person on whose Behalf and with whose Privity any such Payment is made shall also be guilty of Bribery, and punishable accordingly.

Members holding Offices of Profit from the Crown not required to vacate their Seats on Acceptance of another Office.

46. Whereas by the Act of the Sixth Year of the Reign of Queen Anne, Chapter Seven, all Persons appointed to Offices of Profit under the Crown, and thereafter duly elected as Members of the House of Commons, are required to vacate their Seats upon their Acceptance of any other Office of Profit under the Crown, and it is expedient to alter the Laws in this respect: Be it therefore enacted, That if any Person appointed to any Office of Profit under the Crown, and thereafter duly returned as a Member of the House of Commons, accepts, while he continues to be such Member, any other Office of Profit under the Crown (except an Office which by Law incapacitates the Holder thereof from being elected or from voting in Parliament), the Acceptance of such other Office shall not render the Election of such Person void, nor shall any Writ thereupon issue for a new Election.

Provision in case of separate Registers.

47. Where separate Registers of Voters have been directed to be made in any County or Burgh divided by this Act, if a Vacancy take place in the Representation of the said County or Burgh before the summoning of a future Parliament, and after the Completion of such separate Registers, such last-mentioned Registers shall, for the Purpose of any Election to fill up such Vacancy, be deemed together to form the Register for the County or Burgh.

 48. Nothing

Temporary Provisions consequent on Formation of new Burghs.

48. Nothing in this Act contained shall affect the Rights of Persons whose Names are for the Time being on the Register of Voters for any County in which the Burghs constituted by this Act are situate to vote in any Election for such County in respect of any Vacancy that may take place before the summoning of a future Parliament; but after such summoning no Person shall be entitled to be registered as a Voter or to vote in any Election for any such County who would not be entitled to be so registered or to vote in case the Burghs constituted by this Act were before the passing of this Act Burghs returning Members to serve in Parliament.

Register to be conclusive Evidence of Qualification.

49. The Forty-second Section of the Act passed in the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, Chapter Eighty-three, is hereby repealed, and in lieu thereof it is enacted as follows: At every future Election of a Member to serve in Parliament for any County or Division of a County, the Register of Voters, made up in Terms of the Registration Acts, shall be deemed and taken to be conclusive Evidence that the Persons therein named continue to have the Qualifications which are annexed to their Names respectively in the Register in force at such Election; and such Persons shall not be required to take the Oath of Possession.

General Saving Clause.

50. The Franchises conferred by this Act shall be in addition to and not in substitution for any existing Franchises; and, subject to the Provisions of this Act, all Laws, Customs, and Enactments now in force conferring any Right to vote or otherwise relating to the Representation of the People in Scotland shall remain in full Force, and shall apply, as nearly as Circumstances admit, to any Constituency hereby authorized to return a Member or Members to Parliament as if it had heretofore returned such Members to Parliament: And whereas Doubts have been entertained as to the Right of Persons in the Occupancy of Parts of Dwelling Houses to be registered and to vote in Burghs in respect of such Occupancy: Be it therefore declared and enacted, That every Person of full Age and not subject to any legal Incapacity shall be entitled to be registered and to vote at Elections for a Member or Members to serve in Parliament for any Burgh who, when the Sheriff proceeds to consider his Right to be inserted or retained in the Register of Voters, occupies and, during the *Twelve Calendar Months* next preceding the *last Day of July*, has occupied separately and as sole Tenant any Lodgings being Part of a Dwelling House which Lodgings would let unfurnished for *Ten Pounds* a Year.

Votes of Tenants of Lodgings.

51. All

51. All Writs to be issued for the Election of Members to serve in Parliament, and all Mandates, Precepts, Instruments, Proceedings, and Notices consequent upon such Writs, shall be framed and expressed in such Manner and Form as may be necessary for the carrying the Provisions of this Act into effect. Writs, &c. to be made conformable to this Act.

52. This Act, so far as is consistent with the Tenor thereof, shall be construed as One with the Enactments for the Time being in force relating to the Representation of the People in Scotland. Construction of Act.

53. The following Terms shall in this Act have the Meanings herein-after assigned to them, unless there is something in the Context repugnant to such Construction; (that is to say,) Interpretation of Terms:

"Month" shall mean Calendar Month: "Month:"

"County" shall not include a County of a City, but shall mean any County or Division of a County, or any Combination of Counties, or of Counties and Portions of Counties, returning a Member to serve in Parliament: "County:"

"Burgh" shall mean any City, Town, Burgh, or District of Cities, Towns, or Burghs, returning a Member or Members to serve in Parliament: "Burgh:"

"The Registration Acts" shall mean the Act of the Nineteenth and Twentieth Years of the Reign of Her present Majesty, Chapter Fifty-eight, and the Act of the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, Chapter Eighty-three, and any other Acts or Parts of Acts relating to the Registration of Persons entitled to vote at and Proceedings in the Election of Members to serve in Parliament for Scotland: "The Registration Acts:"

"The Valuation Acts" shall mean the Act of the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, Chapter Ninety-one, and the Act of the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Fifty-eight, and any other Acts or Parts of Acts relating to the Valuation of Lands and Heritages in Scotland: "Valuation Acts:"

"Assessor" shall mean an Assessor appointed under the Valuation Acts or any of them, or under the Registration Acts or any of them, or under this Act, as the Case may be: "Assessor:"

"Oath of Possession" shall mean and include the Words "that "I am still Proprietor (or Occupant) of the Property for which "I am so registered, and hold the same for my own Benefit, "and not in trust for or at the Pleasure of any other Person." "Oath of Possession."

SCHEDULES.

SCHEDULE (A.)

Divisions of City of Glasgow.

City of Glasgow - -	So much of the City of Glasgow included within the Parliamentary Boundaries as is situated on the North Side of the River Clyde. The Town or Suburb of Partick.
Burgh of South Glasgow -	So much of the City of Glasgow included within the Parliamentary Boundaries as is situated on the South Side of the River Clyde. The Town or Suburb of Govan.

SCHEDULE (B.)

Combined Burghs, each District jointly to return One Member.

I.—Falkirk District.

Name of Burgh.	County in which Burgh is situated.	Place for proclaiming Writ.	Sheriff to whom the Writ is to be addressed.
Falkirk - -	Stirling -	Falkirk -	Sheriff of Stirlingshire.
Linlithgow -	Linlithgow -		
Dumbarton -	Dumbarton -		
Kirkintilloch -	Ditto -		
Helensburgh -	Ditto -		

II. Hamilton District.

Name of Burgh.	County in which Burgh is situated.	Place for proclaiming Writ.	Sheriff to whom the Writ is to be addressed.
Hamilton	Lanark	Hamilton	Sheriff of Lanarkshire.
Airdrie	Do.		
Coatbridge	Do.		
Lanark	Do.		
Rutherglen	Do.		
Wishaw	Do.		

III. Kilmarnock District.

Name of Burgh.	County in which Burgh is situated.	Place for proclaiming Writ.	Sheriff to whom the Writ is to be addressed.
Kilmarnock	Ayr	Kilmarnock	Sheriff of Ayrshire.
Port Glasgow	Renfrew		
Renfrew	Do.		
Johnstone	Do.		
Barrhead	Do.		
Pollockshaws	Do.		

SCHEDULE (C.)

Towns to be added to existing Districts of Burghs.

Name of Town.	County in which Town is situated.	District of Burghs to which Town is to be added.
Ardrossan including Saltcoats	Ayr	Ayr District.
Alloa	Clackmannan	Stirling District.
Hawick	Roxburgh	Haddington District.
Galashiels	Do. and Selkirk	

SCHEDULE (D.)

Divisions of Counties.

Column 1. Name of County to be divided.	Column 2. Division.	Column 3. Parts comprised in such Division.	Column 4. Place for proclaiming Writ.
ABERDEENSHIRE.	East Aberdeenshire.	Parishes of— Aberdour. Belhelvie. Bourtie. Crimond. Cruden. Daviot. Ellon. Fintray. Foveran. Fraserburgh. Fyvie. Keith-hall and Kinkell. King-Edward. Logie-Buchan. Longside. Lonmay. Methlie. Montquhitter. New Deer. New Machar. Old Deer. Old Meldrum. Peterhead. Pitsligo. Rathen. Slains. Strichen. Tarves. Turriff. Tyrie. Udny. Together with so much of the Parish of Old Machar as is situated to the North and East of the River Don, and the Parish of St. Fergus in Banffshire.	Peterhead.

Column 1. Name of County to be divided.	Column 2. Division.	Column 3. Parts comprised in such Division.	Column 4. Place for proclaiming Writ.
ABERDEENSHIRE—*cont.*	West Aberdeenshire.	Parishes of— Aboyne and Glentanner. Alford. Auchindoir and Kearn. Auchterless. Birse. Chapel-of-Garioch. Clatt. Cluny. Coull. Crathie and Braemar. Culsamond. Drumblade. Dyce. Echt. Forgue. Glenbucket. Glenmuick, Tullich, and Glengairn. Huntly. Insch. Inverury. Keig. Kemnay. Kildrummy. Kincardine O'Neil. Kinnellar. Kinnethmont. Kintore. Leochel-Cushnie. Leslie. Logie-Coldstone. Lumphanan. Midmar. Monymusk. Newhills. Oyne. Peter Culter. Premnay. Rayne. Rhynie. Skene. Strathdon. Tarland and Migvie. Tough. Towie.	Aberdeen.

Column 1. Name of County to be divided.	Column 2. Division.	Column 3. Parts comprised in such Division.	Column 4. Place for proclaiming Writ.
ABERDEENSHIRE.	West Aberdeenshire—*cont.*	Parishes of— Tullynessle and Forbes. Together with so much of the Parish of Old Machar as is situated to the South and West of the River Don, and So much of the Parishes of Banchory-Devenick, Cabrach, Cairnie, Drumoak, Gartly, and Glass as is situated within the County of Aberdeen.	Aberdeen.
AYRSHIRE -	North Ayrshire	District of Cunningham, consisting of the Parishes of— Ardrossan. Beith. Dalry. Dreghorn. Fenwick. Irvine. Kilbirnie. Kilmarnock. Kilmaurs. Kilwinning. Largs. Loudoun. Stevenston. Stewartown. West Kilbride. and of Beith, and Dunlop, in so far as situated within the County of Ayr.	Kilmarnock.
	South Ayrshire	Districts of Kyle and Carrick, consisting of the Parishes of— Auchinleck. Ayr. Ballantrae.	Ayr.

Column 1. Name of County to be divided.	Column 2. Division.	Column 3. Parts comprised in such Division.	Column 4. Place for proclaiming Writ.
AYRSHIRE—*continued.*	South Ayrshire—*continued.*	Parishes of— Barr. Colmonell. Coylton. Craigie. Dailly. Dalmellington. Dalrymple. Dundonald. Galston. Girvan. Kirkmichael. Kirkoswald. Mauchline. Maybole. Monkton and Prestwick. Muirkirk. New Cumnock. Newton-on-Ayr. Ochiltree. Old Cumnock. Riccarton. St. Quivox. Sorn. Stair. Straiton. Symington. Tarbolton.	Ayr.
LANARKSHIRE	North Lanarkshire.	Parishes of— Avondale. Barony. Blantyre. Bothwell. Cadder. Cambuslang. Carmunnock. Dalziel. East Kilbride. Glassford. Govan. Hamilton. New Monkland. Old Monkland. Rutherglen.	Hamilton.

Column 1. Name of County to be divided.	Column 2. Division.	Column 3. Parts comprised in such Division.	Column 4. Place for proclaiming Writ.
LANARKSHIRE —*cont.*	South Lanarkshire.	Parishes of— Biggar. Cambusnethan. Carluke. Carmichael. Carnwath. Carstairs. Covington and Thankerton. Crawford. Crawfordjohn. Dalserf. Dolphington. Douglas. Dunsyre. Lanark. Lesmahagow. Libberton. Pitinain. Shotts. Stonehouse. Symington. Walston. Wandell and Lamington. Wiston and Roberton, and so much of the Parishes of Cathcart, Culter, and Moffat as is situated within the County of Lanark.	Lanark.

SCHE-

SCHEDULE (E.)

No. 1.

Form of Notice of Claim to be rated.

To the Parochial Board of the Parish of_____

I [*state Christian Name and Surname of Claimant at full Length*] residing at [*state Place of Abode*], hereby claim to be placed on the Roll of Assessment for Relief of the Poor for the past Year in respect of the [*state the Premises or Subjects occupied by him*]; and I hereby tender the Sum of £ *s.* *d.* as the Poor Rate assessable in respect thereof.

(*Signature*)_____

(*Date*)_____

Addressed on the Back thus:—

To the Parochial Board of the Parish of_____.

No. 2.

Form of Answer to Claim to be rated.

To [*state Name and Address of Claimant*].

I Collector of Poor Rates for the Parish of , hereby intimate to you that you have been assessed by the Parochial Board of this Parish for the Relief of the Poor in respect of [*describe the Premises or Subjects*].

	£	*s.*	*d.*
The Amount of Assessment is	-	-	
You have paid - - - -			
The Amount due is - -			

which Sum you are hereby required to pay at my Office before the *Twentieth* Day of *July* next ensuing.

(*Signature*)_____
Collector.

(*Date*)_____

SCHEDULE (F.)

Form No. 1.

Claim to vote.

County of
or
City [*or* Burgh] of

To the Assessor of the County [*or* Burgh] of .

I hereby claim to be inserted in the List of Voters as [a Depositor in a Savings Bank, &c., *as the Case may be*], and the Particulars of my Place of Abode and Qualification are stated in the Columns below :—

Christian Name and Surname at full Length.	Profession, Trade, or Calling.	Place of Abode, with No. of House, Name of Street, &c. (if any).	Nature and Particulars of Qualification.	Number of Certificate annexed. *a*
			Depositor in the Savings Bank of [*or* Holder of 50*l.* Bank Annuities, &c. &c.]	

a Insert the distinguishing Number of the annexed Certificate.

This Claim must bear Date the First Day of July, or some Day subsequent thereto, and must be delivered to the Assessor, with the Certificate annexed, on or before the Twentieth Day of July.

Form No. 2.

Certificate of Deposit in Savings Banks.

Certificate No. (*a.*)

We, the undersigned, [being Two of the Trustees [*or* Managers] of the Savings Bank,] *or* [I, the undersigned, being an Officer appointed and authorized by the Trustees [*or* Managers] of the Savings Bank for that Purpose], *or* [I, the undersigned, being an Officer appointed by Her Majesty's Postmaster General], do hereby certify that of has a Sum of not less than £50 deposited in the said Bank, and that he has had not less than such Amount so deposited in the said Bank for the Twenty-four Months immediately preceding the First Day of July in this present Year.

Dated the Day of 18 .

Signature and Description of Persons signing _____

Official Address _____

Note (*a.*) The Officers by whom these Certificates are granted must insert a distinguishing Number to each Certificate.

The Certificate must be issued subsequently to the Thirtieth Day of June, and must be delivered by the Claimant to the Assessor, with the Claim, on or before the Twentieth Day of July.

Form

FORM No. 3.

Certificate of Ownership of £50 in Parliamentary Stocks.

Certificate No. (*b.*)

I of being an Officer of the Governor and Company of the Bank of England [*or* Ireland] authorized for that Purpose, do hereby certify that of has been, during the last Twelve Months, entitled to a Sum of not less than £50 [*insert Description of Stock*] standing in his own Name, and that such [Stock, *&c.*] has been so standing in his Name ever since the Thirtieth Day of June in last Year.

Dated this Day of 18 .

Signature and Description of Officer signing } _____

Official Address _____

NOTE (*b.*) The Officers by whom these Certificates are granted must insert a distinguishing Number to each Certificate.

The Certificate must be issued subsequently to the Thirtieth Day of June, and must be delivered by the Claimant to the Assessor, with the Claim, on or before the Twentieth Day of July.

FORM No. 4.

Form of Certificate of Charge of Tax.

I *A.B.* of, *&c.* [*set forth the Christian Name and Surname and Place of Abode of the Person certifying*], being One of the Commissioners of [*specify the Purpose for which he is a Commissioner*], or [*as the Case may be*] One of the Collectors of the Duties of [*specify the Duties*], assessed and charged on the Assessment hereinafter mentioned, do hereby certify that in and by the Assessments of the Duties of [*describe the Duties*] made for the Parish or Place of [*specify the Parish or Place and the County or City or Burgh within which the same is situate, if the Assessment be local*], and which said Assessments [*or* a Duplicate of which said Assessments] are now lawfully in my Custody, *C.D.* of was during the Year immediately preceding the Fifth Day of April last charged with the said Duties of [*state the Description of Duties*], in the said Parish or Place to the Amount of Twenty Shillings [*or* to the Amount of Twenty Shillings and upwards, *as the Case may be*], in respect of [*state the Nature of the Property, or Profits, or other Matter in respect of which the Duties are charged*], and has paid all the Duties so charged to him which became due prior to the Sixth Day of April last.

Given under my Hand, this Day of 18 .

NOTE.—The Officers by whom these Certificates are granted must insert a distinguishing Number to each Certificate.

The Certificate must be issued subsequently to the Thirtieth Day of June, and must be delivered by the Claimant to the Assessor, with the Claim, on or before the Twentieth Day of July.

*Form No. 5.

List of Persons rated for the Relief of the Poor.

County [*or* Town] of
Parish of

I *A.B.* of, *&c.* [*set forth the Christian Name and Surname and Place of Abode of the Person certifying*], being the Collector of Poor Rates for the Parish of do hereby certify that the following Persons have been rated for the Relief of the Poor in the said Parish for the past Year, viz.:

Christian Name and Surname at full Length.	Profession, Trade, or Calling.	Place of Abode, with Number of House, Name of Street, &c. (if any).

Given under my Hand this Day of 18 .

*Form No. 6.

List of Persons in arrear of Poor Rates.

County [*or* Town] of
Parish of

I *A.B.* of, *&c.* [*set forth the Christian Name and Surname and Place of Abode of the Person certifying*], being the Collector of Poor Rates for the Parish of do hereby certify that the following Persons in the said Parish had not before the *Twentieth Day of July* paid all Poor Rates that had become payable by them up to the preceding *First Day of June*, and that had been demanded from them before said *Twentieth Day of July*, viz.:

Christian Name and Surname at full Length.	Profession, Trade, or Calling.	Place of Abode, with Number of House, Name of Street, &c. (if any).

Given under my Hand this Day of 18 .

*Note.—These Lists (Form No. 5. and Form No. 6.) are to contain in the Case of Counties those Persons only who are rated in respect of Heritages of the yearly Value of not more than Fifty Pounds and not less than Fifteen Pounds, and in the Case of Burghs those Persons only who are rated in respect of Dwelling Houses under the yearly Value of Ten Pounds.

SCHE-

SCHEDULE (G.)

Form of Voting Papers.

I *A.B.* [*insert in full the Christian Name and Surname of the Elector, with his Designation and Place of Abode*] do hereby declare that I have signed no other Voting Paper at this Election, and do hereby give my Vote at this Election for , and I nominate

C.D.
E.F.
G.H.

or One of them, to deliver this Voting Paper at the Poll.

Witness my Hand, this Day of 18 .

(Signed) *A.B.*

Signed in my Presence at by the said *A.B.*, who is personally known to me, on the above-mentioned Day of 18 , the Name or Names of as the Candidate or Candidates voted for having been previously filled in.

(Signed) *L.M.* [*a Justice of the Peace for the County of* .]

SCHEDULE (H.)

Form of Register of General Council of University.

No.	Christian Name and Surname of Member at full Length.	Nature of Qualification.	Date of Registration.	Residence and Post Town.
		[*such as, Admitted by Commissioners, Master of Arts, &c.*]		

SCHEDULE (I.)

Form of Voting Letter for a University Election.

UNIVERSITY OF

No. [*Number of Member, as in the Register*].

I [*Name of Member in full, with his Designation and Residence to be filled in by the Registrar*] hereby record my Vote in favour of * as a Member to serve in Parliament for the Universities of .

†_____

(*Date*)_____

Signed this Day of 18 in Presence of me,

‡_____

Justice of the Peace for the County of .

* Here the Voter will fill in the Name of the Candidate for whom he votes.
† Signature of Voter.
‡ Signature of Justice of the Peace.

SCHEDULE (K.)

UNIVERSITY OF [*Name of University*].

Election of Member of Parliament for the Universities of [*Names of Universities*].

Persons nominated.	Proposed by	Seconded by
A.B.	[*Name of Proposer.*]	[*Name of Seconder.*]
C.D.	*Do.*	*Do.*
E.F.	*Do.*	*Do.*

Sir,

I have to intimate that the above-mentioned Persons have been nominated as Candidates for the Representation in Parliament of the Universities of [*Names of Universities*], and I have to request that if you desire to vote in the Election you will insert in the Blank

Blank of the accompanying Voting Letter the Name of the Person for whom you vote, and, after signing the Letter in Presence of an attesting Justice of the Peace for the County in which you are residing, will transmit it to me at *this* University, so as to reach me on or before [*Day on or before which Votes must be returned*].

I am, &c.,

_____ _____ *Registrar*

of the University of _____

(*Date*) _____

Representation of the People (Scotland).

A

BILL

For the Amendment of the Representation of the People in Scotland.

(*Prepared and brought in by Mr. Chancellor of the Exchequer, Mr. Gathorne Hardy, and Sir James Fergusson.*)

Ordered, by The House of Commons, *to be Printed*, 13 *May* 1867.

[Bill 146.]

Under 6 *oz.*

Roman Catholic Churches, Schools, and Glebes (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

Preamble.

PART I.

As to Leases for Churches, Schools, and Glebes.

1. After the passing of this Act, Owners of Land in Ireland may make Leases for ever, or for any lesser Period, for Roman Catholic Churches, Schools, and Glebes, to Roman Catholic Bishops in Ireland and their Successors.
2. What shall be the Effect of such Lease, and who shall be deemed to be the Successor to a Roman Catholic Bishop.
3. A Lease made before the passing of this Act may be surrendered, and a new Lease granted under it of the same Land.
4. Five Acres shall be the Limit of a Site for a Church or School and Twenty Acres the Limit of a Glebe.
5. Lease to be void if the Land leased shall be converted to any other Purpose than that for which it was leased.
6. Every Lease under this Act shall be registered within Six Months, and after Registration it shall be valid against all Parties.
7. A limited Owner shall not lease under this Act a Mansion House or Demesne Land.
8. A limited Owner may make a Lease for a Site of a Church or School at a nominal Rent when the Site shall not comprise more than Two Acres.
9. Except in the Case mentioned in the last Section, every Lease made by a limited Owner under this Act shall reserve the best Rent that can be got for the Land.
10. Buildings and Improvements on the Land, in certain Cases not to be estimated in fixing the Rent.
11. When the best Rent shall not be reserved the Lease shall not be void, but the Chairman of the County in which the Land shall be situate may increase the Rent, on the Application of the Successor.

PART II.

As to Grants, Sales, and Purchases of Land for Churches, Schools, and Glebes.

Clause.
12. Owners of Land in Ireland may sell to Roman Catholic Bishops in Ireland and their Successors Land for the Purposes specified in the First Section of this Act.
13. No Grant or Sale made by a limited Owner shall be valid unless the same shall be made with the Sanction of the Successor or of the Landed Estates Court.
14. A limited Owner shall serve Notice on the Successor of his Intention to make such Grant or Sale; and if within Three Months the Successor does not consent to join, the limited Owner may petition the Landed Estates Court, who may sanction what he proposes.
15. How Purchase Money to be applied in case of a Sale by a limited Owner.
16. What shall be the Effect of a Grant or Sale to a Roman Catholic Bishop and his Successors for the Purposes aforesaid.

PART III.

As to Donations and Bequests for Churches, Schools, and Glebes.

17. Donations and Bequests of Personal Property may be made to Roman Catholic Bishops for the Purchase of Land for the Sites of Churches, Schools, and Glebes, and for the Erection of Churches, Schools, and Glebe Houses.
18. Such Donations or Bequests, to be valid, must be registered or made within certain Periods from or before certain Events.

PART IV.

As to Loans for the Purchase of Glebe Lands and the Erection of Glebe Houses.

19. The Board of Works may make Loans to Roman Catholic Bishops in Ireland for or towards the Purchase of Glebe Lands and the Erection of Glebe Houses.
20. How the Loan is to be repaid and charged.
21. The

Clause.
21. The Commissioners of Public Works shall make Rules to regulate such Loans, subject to the Approbation of the Treasury.

PART V.

General Provisions.

22. Definition of the Words "Owner," "limited Owner," and "Successor."
23. In settling Rentals in the Landed Estates Court Roman Catholic Churches, Chapels, Graveyards, and Cemeteries shall in future be set up as separate Lots.
24. Short Title of the Act.

A

BILL

TO

Amend the Law as to the granting of Sites for Roman Catholic Churches and Schools, and to facilitate the Creation of Glebes, and the Erection of Residences thereon for Roman Catholic Clergymen in Ireland.

WHEREAS it is expedient to amend the Law regulating the granting of Sites for Roman Catholic Churches and Schools, and to facilitate the Creation of Glebes, and the Erection of Residences thereon for Roman Catholic Clergymen in Ireland: Preamble.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

PART I.

As to Leases for Churches, Schools, and Glebes.

1. From and after the *passing of this Act*, any Owner of Land in Ireland shall have Power to grant to the Roman Catholic Bishop for the Time being of any Diocese or District in Ireland, and his Successors, After the passing of this Act, Owners of Land in Ireland may make

Leases for ever, or for any lesser Period, of Land for Sites for Roman Catholic Churches, Schools, and Glebes to RomanCatholic Bishops in Ireland and their Successors.

Successors, and the said Roman Catholic Bishop and his Successors shall have Power to accept, without any further Licence than this Act, a Lease for ever, or for any lesser Period, of any Land in Ireland, for any of the following Purposes:

(*a.*) For a Site for a Roman Catholic Church or Chapel, or for the Residence of the Clergyman or Clergymen attached to the same:

(*b.*) For a Site for a Roman Catholic School or Schools, or for the Residence of the Teacher or Teachers attached to the same:

(*c.*) For a Glebe for any Roman Catholic Clergyman or Clergymen officiating in any Parish or District in Ireland, and for the Roman Catholic Clergyman or Clergymen who shall from Time to Time officiate in such Parish or District.

What shall be the Effect of such Lease, and who shall be deemed to be the Successor to a RomanCatholic Bishop.

2. A Lease made to a Roman Catholic Bishop of a Diocese or District, and his Successors, under this Act, shall, at all Times after the passing of this Act, enure to the Roman Catholic Bishop for the Time being of the Diocese or District over which the Bishop to whom the original Lease shall have been made shall have exercised Pastoral Superintendence, and for the Purposes of this Act such Roman Catholic Bishop shall be deemed to be the Successor of the First Bishop to whom the Lease was made.

A Lease made before the passing of this Act may be surrendered, and a new Lease granted under it of the same Premises.

3. When any Lease shall have been made before the passing of this Act for any of the Objects comprised in the First Section of this Act, it shall be lawful for the Person enabled to make a Lease under this Act to accept a Surrender of such existing Lease, and to make a new Lease under this Act of the same Land, or of the same Land and any other Land in conjunction therewith.

Five Acres shall be the Limit of a Site for a Church or School, and Thirty Acres the Limit of a Glebe.

4. No Lease granted under this Act shall comprise, in the Case of a Site for a Church, Chapel, or School, or of a Residence attached thereto, more than *Five* Acres of Land, and in the Case of a Glebe more than *Twenty* Acres of Land.

Lease to be void if Land leased shall be converted to any other Purpose than that for which it was leased.

5. Every Lease made under this Act shall be void if the Land demised by it shall be converted to any other Purpose than that for which it was granted.

Every Lease under this Act shall be registered within Six Months, and after Registration it shall be valid against all Parties.

6. Every Lease granted under this Act shall be registered, within *Six* Months from the Execution of the Lease, in the Register of Deeds Office in Dublin, for which a Fee of *Five* Shillings and no more shall be payable to the said Office, and when so registered such Lease shall be valid, not only against the Party making the same,

same, but also against all Parties whatsoever interested in or entitled to said Lands before or at the Time of or subsequent to the making of such Lease if such Lease shall be in compliance with the Provisions of this Act, save in the Cases herein-before and herein-after provided.

A limited Owner shall not lease under this Act a Mansion House or Demesne Lands.

7. No limited Owner shall have Power to lease any Mansion House or Demesne Lands under this Act for the Purposes of this Act.

A limited Owner may make a Lease for the Site of a Church or School at a nominal Rent when the Site shall not comprise more than Two Acres.

8. Every limited Owner may make a Lease under this Act of a Site for a Church, Chapel, or School, or for a Residence attached thereto, at a Peppercorn or other nominal Rent, but such Lease shall in no Case comprise more than *Two* Acres of Land.

Except in the Case mentioned in the last Section, every Lease made by a limited Owner under this Act shall reserve the best Rent that can be got for the Land.

9. Save in the Case in the last Section mentioned, every Lease made by a limited Owner under this Act shall reserve the best improved Rent that at the Time of making such Lease can be reasonably obtained for the same from a solvent Tenant, without any Fine or Foregift.

Buildings and Improvements on the Land in certain Cases not to be estimated in fixing the Rent.

10. In case of the Surrender of an existing Lease, and the Grant of a new Lease in lieu thereof, or in case of the Grant of any Lease in pursuance of a previous Contract or Agreement for that Purpose, the Value of any Buildings, Erections, or Improvements made on said Lands during the pendency of the surrendered Lease, or after the Contract or Agreement was made for the granting of the Lease, shall not be taken into account in estimating the Rent to be reserved in such new Lease.

When the best Rent shall not be reserved the Lease shall not be void, but the Chairman of the County in which the Land shall be situated may increase the Rent, on the Application of the Successor.

11. In case any limited Owner shall not reserve in any Lease made under this Act the best Rent that could be obtained from a solvent Tenant for the same at the Time of making such Lease, without any Fine or Foregift, such Lease shall not be avoided thereby, but in such Case any Successor of such limited Owner may apply to the Chairman of the County in which such Land shall be situate to increase the Rent reserved in such Lease to what he may allege should have been the proper Rent; and such Application shall be heard and determined as an ordinary Court Bill; and in case the Chairman, or Judge on Appeal, shall, on hearing the Case, order that the Rent shall for the future be increased, the Lessee shall, within such Time as the Chairman or Judge shall appoint, produce to the Clerk of the Peace his Lease, and the Clerk of the Peace shall alter the reserved Rent to the Amount mentioned in the Decree of the Chairman or Judge, as the Case may

may be, and the Party entitled to said Lease shall be bound to pay such increased Rent during the Continuance of his Lease; and in case he shall fail to produce his Lease for Alteration within the Time limited as aforesaid the Lease shall be void.

PART II.

As to Grants, Sales, and Purchases of Land for Churches, Schools, and Glebes.

Owners of Land in Ireland may sell to Roman Catholic Bishops in Ireland Land for the Purposes specified in the First Section of this Act.

12. From and after the *passing of this Act*, any Owner of Land in Ireland may grant or sell to any Roman Catholic Bishop of any Diocese or District in Ireland, for any of the Purposes in the First Section of this Act mentioned, any Land which under the First Part of this Act he is enabled to lease for such Purposes to such Roman Catholic Bishop and his Successors.

No Grant or Sale made by a limited Owner shall be valid unless the same shall be made with the Sanction of the Successor or of the Landed Estates Court.

13. No Grant or Sale of any Land under the Power conferred in the last Section made by a limited Owner shall be valid unless the same shall be made with the Assent of the Successor, signified by his being a Party to the Grant or Deed, or with the Sanction of the Landed Estates Court.

A limited Owner shall serve Notice on the Successor of his Intention to make such Grant or Sale, and if within Three Months the Successor does not consent to join, the limited Owner may petition the Landed Estates Court, who may sanction what he proposes.

14. Before the making of any Grant or Sale of Land by any limited Owner to any Roman Catholic Bishop of any Diocese or District in Ireland, and his Successors, the limited Owner shall cause Notice of his Intention to make such Grant or Sale to be served on the Successor, and if within *Three* Months after the Service of such Notice the Successor shall not signify in Writing his Consent to such Grant or Sale, it shall be lawful for such limited Owner to present a Petition to the Landed Estates Court, praying that such Grant or Sale may be sanctioned by that Court; and on the Hearing of such Petition the Court may either disapprove altogether, or may approve, with or without Modification, of such Grant or Sale, and may make such Order as it may seem fit as to the Costs of such Petition, and if approved of, the Grant ordered, when executed, shall recite such Approval.

How Purchase Money to be applied in the Case of a Sale by a limited Owner.

15. The Amount to be paid for any Land sold to any Roman Catholic Bishop of any Diocese or District in Ireland, and his Successors, by any limited Owner, shall be paid and applied as provided by the Clauses of "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase Money or Compensation owing to

to Parties having limited Interests, or prevented from treating, or not having Title.

What shall be the Effect of a Grant or Sale to a Roman Catholic Bishop for the Purposes aforesaid.

16. Every Roman Catholic Bishop of any Diocese or District in Ireland may accept any Grant of Land authorized by this Act to be made to any Roman Catholic Bishop of any Diocese or District in Ireland, and his Successors, without any further Licence than this Act, and such Grant shall at all Times, after the passing of this Act, enure to his Successor as is herein-before provided in the Case of Leases made to Roman Catholic Bishops of a Diocese or District in Ireland, and their Successors.

PART III.

As to Donations and Bequests for Churches, Schools, and Glebes.

Donations and Bequests of Personal Property may be made to Roman Catholic Bishops for the Purchase of Lands for the Sites for Churches, Schools, and Glebes, and for the Erection of Churches, Schools, and Glebe Houses.

17. From and after the *passing of this Act*, it shall be lawful for any Person, otherwise capable of disposing of Personal Property, to give or bequeath to any Roman Catholic Bishop of any Diocese or District in Ireland, and his Successors, all or any of his Personal Property for the Purpose of purchasing Land in his Diocese or District for any of the Purposes in the First Section of this Act mentioned, or for the Purpose of building Churches, Schools, or Residences on Lands leased or purchased for any of said Purposes, and such Roman Catholic Bishop and his Successors shall have Power to accept such Donation or Bequest without any Licence other than this Act, and such Donation and Bequest shall in all Cases enure to the same Bishop to whom a Lease made to a Roman Catholic Bishop and his Successors under the First Section of this Act would from Time to Time enure, as is herein-before provided.

Such Donations and Bequests, to be valid, must be registered or made within certain Periods from or before certain Events.

18. The Provisions of the Act, intituled "An Act for the "more effectual Application of Charitable Bequests and Donations "in Ireland," shall be applicable to Donations and Bequests for the Purposes specified in this Act, so far as relates to the Time within which the Deed, Will, or Instrument containing Donations, Devises, or Bequests under that Act, is by that Act required to be registered or executed.

PART IV.

As to Loans for the Purchase of Glebe Lands and the Erection of Glebe Houses.

The Board of Works may make Loans to Roman Catholic Bishops in Ireland for the Purchase of Glebe Lands and the Erection of Glebe Houses.

19. For the Encouragement of the Purchase of Glebes for Roman Catholic Clergymen in Ireland, and the Erection of Residences thereon, so much of the Provisions of several Acts which authorize the Commissioners of Public Works in Ireland to lend Money for the Improvement of Landed Property in Ireland, and for other Matters, shall be extended to this Act; and out of any Monies which may be in their Hands for the Improvement of Landed Property in Ireland, or of any other Monies which may be placed at their Disposal specially for the Purpose, the said Commissioners of Public Works are hereby authorized to advance by way of Loan to any Roman Catholic Bishop of any Diocese or District in Ireland, on the Security of any Glebe or Land intended to be purchased as a Glebe, such Sum of Money, as said Commissioners shall think proper, for or towards the building of a Residence on such Glebe or for or towards the Purchase of such Glebe.

How the Loan is to be repaid and charged.

20. Every Loan made by the Commissioners under this Act shall be repayable by a Rentcharge of *Five per Centum per Annum* on the Sum advanced, chargeable upon the Glebe upon which the Loan was advanced, and payable by half-yearly Instalments, for a Term of *Thirty-five* Years from the Date of the Loan, and, save as is herein provided, the several Provisions as to the securing of Loans advanced for the Improvement of Land by the Commissioners of Public Works in Ireland, by Rentcharges on the Lands improved, and as to Redemption of such Rentcharges, and as to the Priority of such Rentcharges over other Charges on the said Lands, shall extend to Loans made and to Rentcharges created under this Act.

The Commissioners of Public Works shall make Rules to regulate such Loans, subject to the Approbation of the Treasury.

21. Rules for the making of Loans under this Act regulating the Amount which shall be advanced in any Case or Cases, and the Instalments in which Loans, and otherwise for carrying out the Provisions of this Act, shall be made, shall be from Time to Time made by the Commissioners of Public Works in Ireland, with the Sanction of the Lords of the Treasury.

PART V.

General Provisions.

Definition of the Words "Owner,"

22. The Words "Owner," "limited Owner," and "Successor" shall have the same Meanings respectively in this Act as in "The Landed

Landed Property (Ireland) Improvement Act, 1860," and any Act or Acts amending the same. "limited Owner," and "Successor."

23. In case, after the passing of this Act, there shall be any Roman Catholic Church, Chapel, Graveyard, or Cemetery on any Property ordered to be sold in the Landed Estates Court in Ireland, the Judges of said Court shall, in settling the Rental of said Property, cause such Church, Chapel, Graveyard, or Cemetery to be set up as a separate Lot, and not joined with or included in any other Lot on the Property. In settling Rentals in the Landed Estates Court, Roman Catholic Churches, Chapels, Graveyards, and Cemeteries shall in future be set up as separate Lots.

24. For all Purposes this Act shall be cited as "The Roman Catholic Churches, Schools, and Glebes (Ireland) Act, 1867." Short Title of Act.

Roman Catholic Churches, Schools, and Glebes (Ireland).

A

BILL

To amend the Law as to the granting of Sites for Roman Catholic Churches and Schools, and to facilitate the Creation of Glebes, and the Erection of Residences thereon for Roman Catholic Clergymen in Ireland.

(*Prepared and brought in by Sir Colman O'Loghlen, Mr. Gregory, and Mr. Murphy.*)

Ordered, by The House of Commons, *to be Printed*, 30 *April* 1867.

[Bill. 127.]

Under 2 *oz.*

A

B I L L

INTITULED

An Act to authorize a Sale or Lease of the Royal Military Canal and its collateral Works; and for other Purposes.

[Note.—*The Clause printed in Red Ink is proposed to be inserted in Committee.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited as The Royal Military Canal Act, 1867.

Interpretation.

2. In this Act the Term "the Secretary of State for War" means such one of Her Majesty's Principal Secretaries of State for the Time being as Her Majesty is pleased to intrust with the Seals of the War Department.

Power to sell or demise Canal and collateral Works.

3. The Secretary of State for War may at any Time, or from Time to Time, sell and convey or demise, for or at such Consideration or Rent, in such Manner, on such Terms, and subject to such Conditions, Reservations, and Provisions as he thinks fit, to any Persons or Body willing and competent to purchase or take a Demise

of the same, all or any Part or Parts of the Canal called the Royal Military Canal, extending from Shorncliffe in the County of Kent to Cliff End in the County of Sussex, and of the Military Road and Towing-path and other Works connected therewith, and of the Lands, Buildings, Rights, Easements, and Appurtenances held or enjoyed therewith or for the Purposes thereof.

Rules and Regulations for public User.

4. With respect to Section Two of the Act described in the Schedule to this Act, the Rules and Regulations under that Section in force at the Date of any Conveyance or Lease under this Act shall remain in force, with Power to the Purchasers or Lessees, with the Approval of the Secretary of State for War, from Time to Time to alter the same.

Rates and Tolls.

5. With respect to Section Three of the same Act, the Rates and Tolls demandable at the Date of any such Conveyance or Lease shall continue demandable, with Power to the Purchasers or Lessees, with the Approval of the Secretary of State for War, from Time to Time to alter the same.

Poor Rates, &c.

6. Section Thirty-two of the same Act shall not extend to exempt the Purchasers or Lessees in any respect from any such Rate or Charge as therein mentioned.

Clause A. Payment of Purchase Money.

In case of Sale the Purchase Money shall be paid to Her Majesty's Paymaster General, whose Receipt shall be an effectual Discharge for the same.

Application of 5 & 6 Vict. c. 94. ss. 14. 15.

7. In case of Sale Sections Fourteen and Fifteen of The Defence Act, 1842, shall have effect in relation thereto.

SCHE-

SCHEDULE.

47 Geo. 3. Sess. 2. c. 70.—An Act for maintaining and preserving a Military Canal and Road, made from Shorncliff in the County of Kent to Cliff End in the County of Sussex; and for regulating the taking of Rates and Tolls thereon.

Royal Military Canal.

[H.L.]

A

BILL

INTITULED

An Act to authorize a Sale or Lease of the Royal Military Canal and its collateral Works; and for other Purposes.

(*Brought from the Lords* 8 *August* 1867.)

Ordered, by The House of Commons, *to be Printed*, 13 *August* 1867.

[Bill 313.]

Under 1 *oz.*